

EX 107

REC-43

61-190-917

August 28, 1961

b6  
b7C

Mrs. [redacted]

Cincinnati 43, Ohio

Dear Mrs. [redacted]

Your letter of August 20, with enclosure, has been received, and the concern prompting your communication is appreciated.

I would like to point out that representatives of the FBI who are privileged to speak before various groups throughout the country do so with my full knowledge and approval. Any remarks they make, however, should not be interpreted as a defense or endorsement of any group since this is not a proper function of the FBI. In connection with the matter you mentioned, following the lecture Assistant Director William C. Sullivan was asked if the American Civil Liberties Union had been cited by the Attorney General as a subversive organization. He replied that it had not, and this is correct. Mr. Sullivan pointed out that if members of the organization raised issues with which other citizens disagreed, they should meet the issue logically and calmly and not resort to name-calling. This is, of course, in the spirit of American freedom of thought and expression. And, in combating the very serious threat of communism, we do not want to destroy those very freedoms which separate us from communism. Our approach to this complex problem should be informed, factual, constructive and creative.

In view of your concern, I am enclosing some material that may be of interest to you.

Sincerely yours,

John Edgar Hoover  
Director

Enclosures (5) Listed next page  
1 - Cincinnati - Enclosures (2)  
1 - Mr. Sullivan - Enclosures (2)

See NOTE next page

BS:jse (6)

Tolson  
Belmont  
Mohr  
Callahan  
Conrad  
DeLoach  
Evans  
Malone  
Rosen  
Sullivan  
Tavel  
Trotter  
Tele. Room  
Gram  
Gandy

MAIL ROOM ☐ TELETYPE UNIT ☐

Aug 28 3 51 PM '61  
FBI READING ROOM

REC'D - 207714VH  
FBI  
REC'D - 207714VH

**Enclosures**

**4-1-61 LEB Intro**

**What You Can Do To Fight Communism**

**Director's 4-17-61 Statement re Internal Security**

**Communist Illusion and Democratic Reality**

**Expose of Soviet Espionage**

**NOTE:** Bufiles contain no record concerning correspondent. Enclosure is a letter to the editor of the Cincinnati "Enquirer" which concerns Assistant Director Sullivan's speech in Cincinnati on 2-22-61.

The American Civil Liberties Union, with headquarters in New York City, has not been investigated by the Bureau. The LA Chapter has circulated a petition calling for the abolition of the House Committee on Un-American Activities, and the Seattle Committee Chapter has recommended an investigation of the FBI. SAC letter 58-52 instructed the field to advise the Bureau of any action taken by the ACLU to investigate the Bureau.

TRUE COPY

Dear Mr. Hoover,

Aug. 20, 1961

The statement enclosed by William C. Sullivan has hurt the efforts of many people trying to combat communist programs.

If Mr. Sullivan did not state this, please have him issue a denial.

The F.B.I. should not give a clearance to any organization. If it has not investigated the American Civil Liberties Union or is in the process of investigating it, he should have made another comment.

A New York State investigating committee found the A.C.L.U. subversive in the thirties.

Sincerely,

b6  
b7C

[Redacted Signature]

Cincinnati Ohio

27.C  
Jks  
8-25-61  
ack 8-28-61  
BS: que  
nme

B.L.

OFFICE OF DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

Mr. Tolson \_\_\_\_\_  
Mr. Belmont \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Evans \_\_\_\_\_  
Mr. Malone \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Mr. Jones \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Ingram \_\_\_\_\_  
Miss Holmes \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

Dear Mr. Hoover, Aug. 20, 1961

The statement enclosed  
by William C. Sullivan has  
hurt the efforts of many  
people trying to combat  
communist programs.

If Mr. Sullivan did  
not state this, please have

EX-100

AUG 24 1961

30

ENCLOSURE

REC- 43

61-120-917

AUG 24 1961

CORRESPONDENCE

2 T.C.  
JKA  
75-61  
NMC  
AUG 26 1961  
B.S. JKA



Readers' Views Cincinnati Enquirer

## 'The Professional Red-

THE EDITOR OF THE ENQUIRER.

William C. Sullivan, chief inspector of the FBI, spoke to a meeting of clergy designed to study the problems of Communism. During the question-and-answer session after the meeting, he stated that the American Civil Liberties Union and its local branches have never been and are not now Communist-front organizations. This gentleman had been working on Communist organizations for many years and is an authority on the subject. He went on to say that the union sometimes champions unpopular causes. If you disagree with them, says Mr. Sullivan, answer them with arguments of your own. They are a legitimate organization and have a right to say what they please.

He also said that the FBI is as worried about people who see Communists under every manhole cover as well as people who don't know what Communism is about.

Perhaps this can be a lesson to those who believe they are making our country strong by slandering those

organizations with which they do not agree!

JEFFREY B. STIFFMAN, 598 Lowell Ave., Cincinnati.

Kenne

TO THE EDITOR:  
Betty B.  
Enquirer  
Misses Pres

61  
101-180-917  
ENCLOSURE

REC-35

61-170-918

September 18, 1961

AIRMAIL

Honorable George W. McDaniel  
222 East Kirkwood Avenue  
Bloomington, Indiana

My dear Dr. McDaniel:

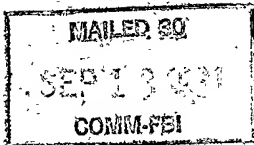
Your letter of September 13, with enclosure, has been received, and I appreciate the interest which prompted you to write.

Although I would like to be of service, the FBI is an investigative agency of the Federal Government and, as such, does not make evaluations nor draw conclusions as to the character or integrity of any organization, publication or individual. I regret that I am unable to help you and hope you will not infer in this connection either that we do or do not have data in our files relating to the subject of your inquiry.

Enclosed is some literature dealing with the general subject of communism you may wish to read.

Sincerely yours,

J. Edgar Hoover



Enclosures (3)

4-17-61 statement re internal security  
Faith in God: Our Answer to Communism  
The Deadly Contest

NOTE: Correspondent is not identifiable in Bufiles. The self-addressed, stamped envelope he enclosed is being used in reply. The American Civil Liberties Union (ACLU) is

Continued next page

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

EFT: cjk  
MAIL ROOM ☐ TELETYPE UNIT ☐

(3)

SEP 18 3 49 PM '61  
REC'D-READING ROOM

NOTE CONTINUED: "a nationwide nonpartisan organization devoted solely to the protection and advancement of the individual liberties fundamental to the Democratic way of life." The ACLU believes in the free exchange of political opinion and the freedom to associate for the purpose of political expression, both of which are protected from Government interference by the Constitution. The ACLU has not been investigated by the Bureau. The Los Angeles chapter of the ACLU has circulated a petition calling for abolition of the House Committee on Un-American Activities and, in 1958, the Seattle Chapter recommended an investigation of the FBI.

HOUSE OF REPRESENTATIVES



GEORGE W. McDANIEL  
222 E. KIRKWOOD AVE.  
BLOOMINGTON, INDIANA

STATE OF INDIANA

COMMITTEES:  
MILITARY AFFAIRS AND  
MEMORIALS, CHAIRMAN  
JUDICIARY B  
PUBLIC HEALTH  
WAYS AND MEANS

September 13, 1961

Mr. J. Edgar Hoover, Director,  
Federal Bureau of Investigation,  
Washington, D.C.

Dear Sir:

At your earliest convenience respectfully request that I  
be furnished a report of the analysis by your organization of the  
"American Civil Liberties Union".

A stamped self addressed envelope is enclosed for your  
convenience.

Thank you.

Very truly yours,

*Dr. George W. McDaniel*

Dr. George W. McDaniel  
State Representative  
Menroe County, Indiana.

61-190-918

EC-35

SEP 19 1961

CORRESPONDENCE

X. - 102



*mm  
ack 9-18-61  
Cft: gik*

REC-46

September 25, 1961

61-190-9119

EX-104

Mr. [REDACTED]

b6  
b7C

Miami 55, Florida

Dear Mr. [REDACTED]

Your letter of September 20, 1961, has been received; and the interest prompting you to communicate with me is appreciated.

In response to your request, I would like to assure you that I did not make the statements attributed to me that you have quoted in your letter. In view of your interest, I am enclosing some material on the general topic of communism you may like to read in addition to a copy of the list of organizations which have been cited by the Department of Justice of the United States pursuant to Executive Order 10450.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

MAILED 30

SEP 25 1961  
COMM-FBI

Enclosures (5)

Organizations Designated Under Executive Order No. 10450  
4-17-61 Internal Security Statement  
What You Can Do To Fight Communism  
Communist Illusion and Democratic Reality  
One Nation's Response To Communism

NOTE: Bufiles contain no information identifiable with correspondent. The American Civil Liberties Union, with headquarters in New York City, has not been investigated by the Bureau. The LA Chapter has circulated a petition calling for the abolition of the House Committee on Un-American Activities, and the Seattle Chapter has recommended an investigation of the FBI. SAC letter 58-52 instructed the field to advise the Bureau of any action taken by the ACLU to investigate the Bureau.

JCF:mks (3)

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

02 SEP 29 1961

TELETYPE UNIT ☐

Mr. Tolson \_\_\_\_\_  
 Mr. Belmont \_\_\_\_\_  
 Mr. Mohr \_\_\_\_\_  
 Mr. Callahan \_\_\_\_\_  
 Mr. Conrad \_\_\_\_\_  
 Mr. DeLoach \_\_\_\_\_  
 Mr. Evans \_\_\_\_\_  
 Mr. Malone \_\_\_\_\_  
 Mr. Rosen \_\_\_\_\_  
 Mr. Sullivan \_\_\_\_\_  
 Mr. Tavel \_\_\_\_\_  
 Mr. Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Mr. Ingram \_\_\_\_\_  
 Miss Gandy \_\_\_\_\_

Miami 55, Florida  
 September 20, 1961

Mr. J. Edgar Hoover  
 Director  
 Federal Bureau of Investigation  
 U. S. Department of Justice  
 Washington, D. C.

Dear Mr. Hoover:

b6  
 b7c

At a meeting of our neighborhood association last evening the speaker said that "J. Edgar Hoover has cited the American Civil Liberties Union as being Communist-controlled." Later, when questioned, he amended this statement by saying that J. Edgar Hoover had declared the American Civil Liberties Union to be a "Communist front."

These statements surprised me. I had long been under the impression that the Civil Liberties Union was free of Communist domination or control; that it had not been organized by Communists in the first place and had managed to operate independently of any Communist direction, plan, or program, even though it had interested itself in numerous cases involving Communists.

Can you verify, or comment on, the statements by the speaker, as set forth in the first paragraph, above?

Sincerely yours,

EXP. PROC.  
 SEP 21 1961

X-102

REC-48

61-190-919

22 SEP 21 1961

CORRESPONDENCE

nml

9-26-61 JCH/ndm

61-190-920

October 18, 1961

Mrs.

Bay Village 40, Ohio

Dear Mrs

b6  
b7C

I have received your letter of October 12 and appreciate your thoughtfulness in writing and your interest in my book, "Masters of Deceit."

In response to your inquiries, the jurisdiction and responsibilities of the FBI do not extend to furnishing evaluations or comments concerning the character or integrity of any individual, publication or organization. The FBI is strictly an investigative agency of the Federal Government and, as such, does not issue clearances. I hope you will not infer in this connection either that we do or do not have data in our files relating to the group you mentioned.

Since the United Nations Children's Fund (UNICEF) is affiliated with the United Nations and inquiries concerning it may be of interest to the Department of State, I have taken the liberty of furnishing a copy of your letter to that Department.

Enclosed is some material on the general subject of communism I thought you might like to read.

Sincerely yours,

**J. Edgar Hoover**

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

MAILED 20  
OCT 19 1961  
COMM-FBI

**Enclosures (5)**

(see ENCLOSURES and NOTE next page)

BS:kk g (3)

TELETYPE UNIT

# REG'D-READING ROOM

UCT 11 5 12 PM '81

Mrs.

b6  
b7c

Enclosures (5)  
What You Can Do To Fight Communism  
4-17-61 Internal Security Statement  
4-61 LEB Introduction  
The Communist Party Line  
Christianity Today Series

NOTE: Correspondent is not identifiable in Bufiles. A copy of her letter was forwarded to the Department of State by form referral on 10-18-61. The American Civil Liberties Union, with headquarters in New York City, has not been investigated by the Bureau. The LA Chapter has circulated a petition calling for the abolition of the House Committee on Un-American Activities, and the Seattle Chapter has recommended an investigation of the FBI. SAC letter 5-8-52 instructed the field to advise the Bureau of any action taken by the ACLU to investigate the Bureau.



[Redacted]  
Bay Village 40, Ohio  
October 12, 1961

Mr. J. Edgar Hoover, Director  
Federal Bureau of Investigation  
Washington, D.C.

b6  
b7C

Dear Mr. Hoover:

I have read your book, Masters of Deceit, and just recently a series of articles on communism appearing in The Cleveland Press. This and other reading I have done lately concerning the threat we face in the United States prompts my directing the following inquiries to you.

I have read much literature to the effect that as citizens of the United States we should resist requests to take part in UNICEF campaigns for money, and in fact urge our Congressmen to stop United States donations to this program, donations of taxpayers' money. Yet, I receive in Child Guidance, a Sunday school teachers' guidance magazine of The Methodist Church, an article saying that UNICEF is fine and dandy and anything I read or hear to the contrary should be ignored. Is UNICEF an organization which we should support as patriotic citizens, or is it not?

Secondly, I have had the same experience in reading and discussing the American Civil Liberties Union and their work. So again I ask your help. Is ACLU a communist front organization or not?

Thanking you for your assistance in these matters, I am,

Sincerely yours,

[Redacted Signature]

REC-92

61-190-920

OCT 20 1961

EX 104

OCT 12 1 05 PM '61

FBI  
REC'D COMM & TOURS

CORRESPONDENCE

ack 10-18-61  
encl B S/bir/bbg  
1 to 10-17-61  
encl bbg

UNITED STATES GOVERNMENT

# Memorandum

TO : The Director

DATE: 9-21-61

FROM : N. P. Callahan

5-1 to N.Y., 10-20-61, ny.  
Vol. X, #1, CIVIL LIBERTIES IN  
NEW YORK. Am.B.

SUBJECT: The Congressional Record

## APPENDIX

Pages A7819-A7820. Congressman Rousselet, (R) California, requested to have printed in the Record a pamphlet entitled "The Truth About the American Civil Liberties Union" prepared by Organizational Research Associates. This pamphlet quotes from Mr. Hoover's book "Masters of Deceit" regarding Communist fronts. The pamphlet goes on to state "In our opinion, the ACLU and its brother organizations have mastered the technique of Josef Goebbels and practiced by the 'Tell a lie, make it big, and tell it often enough so that soon everyone will believe it.' They have been spouting forth the statement that 'the rights of all Americans are being threatened' so long and so hard that already everyone is looking for the Gestapo FBI, the Fascist police, the minions of that inquisition, the SCUA, behind every bush and every telephone."

Original filed in:

61-1731-

61-190 -  
NOT RECORDED  
149 OCT 10 1961

In the original of a memorandum captioned and dated as above, the Congressional Record for \_\_\_\_\_ was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

62 OCT 11 1961

179

RA  
Encl.

DO-6

OFFICE OF DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

American Civil  
Liberties Union

no act rec - form  
BEG-19-61  
8-68  
OCT 13 10 40 AM '61

Mr. Tolson ✓  
Mr. Belmont ✓  
Mr. Mohr ✓  
Mr. Callahan ✓  
Mr. Conrad ✓  
Mr. DeLoach ✓  
Mr. Evans ✓  
Mr. Malone ✓  
Mr. Rosen ✓  
Mr. Sullivan ✓  
Mr. Tavel ✓  
Mr. Trotter ✓  
Mr. Jones ✓  
Tele. Room ✓  
Mr. Ingram ✓  
Miss Holmes ✓  
Miss Gandy ✓

file

ENCLOSURE

REC-17  
EX 110

61-190-921

OCT 23 1961

58 NOV 3 1961

# NATIONAL OFFICERS

Patrick Murphy Malin  
National Executive Director

Roger N. Baldwin  
International Work Adviser

## BOARD OF DIRECTORS

### Chairman

Ernest Angell

### Vice-Chairmen

August Heckscher

Walter Millis

### General Counsel

Edward J. Ennis

Osmond Fraenkel

### Secretary

Dorothy Kenyon

### Treasurer

B. W. Huebsch

### Directors Emeriti

Morris L. Ernst

John Haynes Holmes

Norman Thomas

Daniel Bell

Lyle B. Borst

Ralph S. Brown, Jr.

Lisle C. Carter, Jr.

William A. Delano

John F. Finerty

Walter Frank

Lewis Galantieri

Walter Gellhorn

Julian E. Goldberg

Louis M. Hacker

Frank S. Home

Sophie Yarnall Jacobs

John Paul Jones

Dan Lacy

Harry C. Meserve

Edward O. Miller

James O'Gara

Gerard Piel

Elmer Rice

George Soll

J. Waties Waring

Howard Whiteside

Edward Bennett Williams

## NATIONAL COMMITTEE

### Chairman

E. B. MacNaughton (Ore.)

### Vice Chairmen

Francis Biddle (D. C.)

Pearl S. Buck (Penna.)

Howard F. Burns (Ohio)

Prof. Albert Sprague Coolidge (Mass.)

Prof. J. Frank Dobie (Texas)

Lloyd K. Garrison (N. Y.)

Dr. Frank P. Graham (U. N.)

Palmer Hoyt (Colo.)

Dr. Karl Menninger (Kans.)

Loren Miller (Calif.)

Morris Rubin (Wisc.)

Lillian E. Smith (Ga.)

Mrs. Sadie Alexander (Penna.)

J. Garner Anthony (Hawaii)

Thurman Arnold (D. C.)

Clarence E. Ayres (Texas)

Roger N. Baldwin (N. Y.)

Alan Barth (D. C.)

Dr. Sarah Gibson Blanding (N. Y.)

Catherine Drinker Bowen (Penna.)

Prof. Julian P. Boyd (N. J.)

Van Wyck Brooks (Conn.)

John Mason Brown (N. Y.)

Prof. James R. Caldwell (Calif.)

Prof. Robert K. Carr (N. H.)

Prof. Allan Knight Chalmers (Mass.)

Stuart Chase (Conn.)

Grenville Clark (N. H.)

Dr. Rufus E. Clement (Ga.)

Prof. Henry Steele Commager (Mass.)

Prof. George S. Counts (N. Y.)

Prof. Robert C.ushman (D. C.)

Melvin Douglas (N. Y.)

Prof. Thomas H. Eliot (Mo.)

Victor Fischer (Alaska)

Walter T. Fisher (Ill.)

James Lawrence Fly (Fla.)

Prof. Ralph F. Fuchs (Ind.)

Prof. Willard E. Goslin (Tenn.)

Prof. Mark DeW. Howe (Mass.)

Quincy Howe (N. Y.)

Dr. Robert M. Hutchins (Calif.)

Gerald W. Johnson (Ida.)

Dr. Mordecai W. Johnson (D. C.)

James Kerney, Jr. (N. J.)

Benjamin H. Kizer (Wash.)

Mrs. Agnes Brown Leach (N. Y.)

Max Lerner (N. Y.)

Prof. Robert S. Lynd (N. Y.)

Prof. Robert Mathews (Ohio)

Prof. Wesley H. Maurer (Mich.)

Dr. Millicent C. McIntosh (N. Y.)

Dr. Alexander Meiklejohn (Calif.)

Sylvan Meyer (Ga.)

Donald R. Murphy (Iowa)

Dr. J. Robert Oppenheimer (N. J.)

John B. Orr, Jr. (Fla.)

Bishop G. Bromley Oxnam (D. C.)

James G. Patton (Colo.)

A. Philip Randolph (N. Y.)

Elmo Roper (N. Y.)

Prof. Arthur Schlesinger, Jr. (D. C.)

Dr. Edward J. Sparling (Ill.)

Prof. George R. Stewart (Calif.)

Mrs. Dorothy Tilly (Ga.)

Jose Trias-Monge (Puerto Rico)

Stanley Weigel (Calif.)

William L. White (Kans.)

Aubrey Williams (Ala.)

Marion A. Wright (N. C.)

Dean Benjamin Youngdahl (Mo.)

## WASHINGTON OFFICE

# AMERICAN CIVIL LIBERTIES UNION

1612 EYE STREET, N.W., WASHINGTON 6, D. C. • METropolitan 8-6602

LAWRENCE SPEISER  
Director

JULIE BARROWS  
Executive Assistant

Dear Washington Area ACLU Member:

At long last, an American Civil Liberties Union affiliate in the Washington area is going to be formed. Will you help create it?

You are invited to attend the organizing meeting on:

Wednesday, November 8, 1961, 8:00 p.m.  
Perpetual Building Auditorium, 4th floor  
11th & E Streets, N. W. (enter on E Street)  
Washington, D. C.

The meeting will elect a temporary Board of Directors and adopt temporary by-laws to guide the chapter until the adoption of regular by-laws and the election of the first regular Board. It will be open to all ACLU members in the chapter area, which includes the District of Columbia; Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, and Alexandria and Falls Church, Virginia.

An ad hoc nominating committee under the chairmanship of Alan Barth has agreed to present a slate of candidates for the temporary Board at the November 8th meeting. If you have any suggestions for the Board, please send them to Alan Barth c/o ACLU, 1612 Eye Street, N. W., Washington 6, D. C., on or before November 1st. It would be helpful if you could also include some biographical information.

For years, an area ACLU chapter has repeatedly been proposed and warmly seconded, but there the matter has rested. Now we are going to have such a chapter. Will you please come on November 8th and help bring it into the world?

Sincerely,

*Lawrence Speiser*

Lawrence Speiser

Director, ACLU Washington Office

ENCLOSURE

61-190-921

D. C.

Mr. Tolson	✓
Mr. Belmont	✓
Mr. Mohr	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. DeLoach	✓
Mr. Evans	✓
Mr. Malone	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Mr. Ingram	✓
Miss Gandy	✓

October 27, 1961

MR. MOHR:

[redacted] dropped by my office 10-27-61 and among other things indicated that the American Civil Liberties Union planned to open a new chapter within the District of Columbia. The first organizational meeting of this chapter will be held on November 8, 1961. The Chairman will be Alan Barth. We, of course, are well aware of Barth's background and his animosity towards the FBI as exemplified on numerous occasions.

*DeLoach*  
*DeLoach*

b7D

[redacted] stated that Barth's being Chairman would certainly spell danger for law enforcement agencies. This, of course, is a minor understatement.

RESPECTFULLY,

C. D. DeLoach

1 - Mr. Jones

CDD:geg  
(3)

REC-9

61-190-922

NOV 2 1961

EX-113

CRIME RESEARCH

64 NOV 8 1961

Mr. Hoover -  
Just what is  
going on! And what is  
this "American"  
Union? civil liberties  
can't you do  
something?

M.M.C.S.A. FARM  
GLEN MILL ROAD  
ROCKVILLE, MARYLAND

b6  
b7C

October 25, 1961

Mr. Mason Butcher, County Manager  
Rockville, Maryland

Dear Mr. Butcher:

American Civil  
Liberties Union

Having been a long-time contributor to Montgomery County finances, I presume that I may at least express my opinion that you are to be congratulated and thanked for the action you took in removing "Tropic of Cancer" from the shelves of the Public Library.

"Cancer" is right! This book is typical of some of the media used in the slow degrading process which seems to be creeping over this country. Having retired at statutory age from the Navy, I am not unfamiliar with rough language. This book, however, for public consumption, goes into more lewd and lascivious language than I have ever seen in print!

I applaud the action by Capt. [redacted] and Colonel McAuliffe in arresting, as a token gesture, employees of a drug store where this book was being sold over the counter. Having lived in this county for more than 30 years, I still stand on the assumption that Montgomery County is a good county.

The reference in last night's Sentinel to, "book lynching", I doubt will be well received, particularly by many of those who have glanced through this cesspool which calls itself a book! So many of us are quite content to rest on our posteriors when a moral issue is at stake, with the thought, "let somebody else do it" or leave it to slow "legal processes"! It is no wonder that this type of cancer is making strides in ur country.

Although those who are protesting loudly as to legal innocence in this matter may not be too familiar with the New Testament, I do not recall that any of the money changers who were whipped from the Temple were saved by a "legal writ". Jesus did not stop to inquire as to their legal rights theret! As far as He was concerned, it was wrong. So is this book!

When the moral integrity of ancient Rome became so bad due to lethargy and moral breakdown on the part of the people, the Gauls and Vandals swept in from the North. What worries me is the possibility of agencies operating within this country and our "good" county that are attempting to hasten moral decay here. Our road from the North is as susceptible of breachment as were the Alps! Count on in on your side.

Respectfully,  
Admiringly yours,

RESPONDENCE

REC-44

REC-44 61-190-923

November 1, 1961

Nov 1 5 02 PM '61  
REC'D-READING ROOM  
FBI

Mr. [REDACTED]  
Mimosa Farm  
Glen Mill Road  
Rockville, Maryland

Dear Mr. [REDACTED]

I have received a copy of your letter of October 25, 1961, addressed to Mr. Mason Butcher.

Although I would like to be of service, the jurisdiction and responsibilities of the FBI, strictly an investigative agency of the Federal Government, do not extend to furnishing evaluations or comments concerning the character or integrity of any individual, organization or publication. I am sure you will understand the necessity for this policy and will not infer that we do or do not have in our files the data you desire.

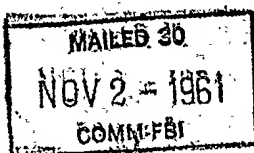
b6  
b7C

I am enclosing two of my statements which may be pertinent at this time.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director



Enclosures (2)  
4-17-61 Statement re internal security  
The Fight Against Filth

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

NOTE: Correspondent is not identifiable in Bufiles. He sent a copy of a letter addressed to Mason Butcher, County Manager, Rockville, Maryland, in which he applauded the action of Mr. Butcher in removing the book, "Tropic of Cancer," from the shelves of the public library. Correspondent's note to the Director appeared in the upper left hand corner and asked, "Just what is this 'American' Civil Liberties Union."

(Continued on next page)

82 NOV 8 1961  
MAIL ROOM TELETYPE UNIT  
EFT:cjk (3)

NOTE CONTINUED: The American Civil Liberties Union (ACLU) is "a nationwide nonpartisan organization devoted solely to the protection and advancement of the individual liberties fundamental to the Democratic way of life," and the ACLU is primarily concerned with Communist Party cases because the ACLU believes the free exchange of political opinion and the freedom to associate for the purpose of political expression, both of which are protected from Government interference by the Constitution, are drastically curtailed by the Internal Security Act of 1950 and the current order of the Subversive Activities Control Board. The ACLU has not been investigated by the Bureau. The Los Angeles chapter of the ACLU has circulated a petition calling for abolition of the House Committee on Un-American Activities and, in 1958, the Seattle chapter recommended an investigation of the FBI.





Mr. E. S. Castor

Enclosures (5)

10-1-61 LEB Introduction

4-17-61 Internal Security Statement

The Deadly Contest

"Faith in God--Our Answer to Communism"

The Communist Party Line

NOTE: Bufiles contain no information identifiable with correspondent. Edgar C. Bundy is Chairman of the Church League of America, claims to have been a Major in Air Force Intelligence, and has been the subject of a closed Impersonation case. The American Civil Liberties Union, with headquarters in New York City, has not been investigated by the Bureau. The LA Chapter has circulated a petition calling for the abolition of the House Committee on Un-American Activities, and the Seattle Chapter has recommended an investigation of the FBI. SAC letter 58-52 instructed the field to advise the Bureau of any action taken by the ACLU to investigate the Bureau. Copy of incoming sent by form to the Committee on Un-American Activities.

# COMMUNITY CONSOLIDATED SCHOOLS DISTRICT 15

WASHINGTON COURT, PALATINE, ILLINOIS

FLANDERS 8-4400

E. S. CASTOR, SUPERINTENDENT

Mr. Tolson	
Mr. Belmont	
Mr. Mohr	
Mr. Callahan	
Mr. Conrad	
Mr. DeLoach	
Mr. Evans	
Mr. Malone	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Ingram	
Miss Gandy	

November 14, 1961

Mr. J. Edgar Hoover  
Federal Bureau of Investigation  
Washington, D. C.

Dear Mr. Hoover:

Approximately one year ago, many schools in northern Illinois received word from the American Civil Liberties Union to the effect that the traditional Christmas programs in public schools were direct violations of the rulings of the Federal Supreme Court. Naturally such statements created much furor in the communities where the culture is largely that of the Christian faith.

A call to the office of the Attorney General of the State of Illinois brought the statement that the ACLU was using words and phrases out of context and that schools were to go ahead with the Christmas programs. Information since then has come to my attention that the Congressional Record of the 71st Congress in the report of the House Committee for the Investigation of Un-American Activities states the ACLU is without a doubt an organization which is strongly under the influence of the Communist Party and in the words of Earl Browder "a transmission belt" organization for Communism.

My purpose in writing to you is to learn whether these statements or ones to that effect are really in the Congressional Record. I and others have been much alarmed by representatives of this organization as they make their appearance from time to time. These feelings are further influenced when I find the ACLU distributing copies of purported letters of commendation from such people as Adlai E. Stevenson and former President Dwight D. Eisenhower under a date line as recent as April, 1960.

The situation is still made more complicated here in Illinois when the Church League of America headed by Major Bundy of Wheaton, Illinois, denounces the ACLU and is in turn denounced by them. I'm curious to know your department's opinion of Major Bundy and his organization.

I realize that you may have many requests such as mine for information, but I sincerely hope that you take the time to answer my questions. As a public school official and as a responsible citizen, I wish to do everything that I can to resist any pressure from groups which threaten the security of our nation.

Sincerely,

E. S. Castor  
E. S. Castor, Superintendent

ESC:hck

REC-4

NOV 22 1961

EX 104

*Handwritten notes:*  
A copy to CG by 1-7 for action 8/11/20  
re Union C. Z. E. M. B. 5/14/59; letter HC 819  
Bundy 105-265002-5) 4/11/60

*Handwritten notes:*  
ack 11-20-61  
204: lip  
nml - lip  
1 perox - lip  
nml

*Vertical stamp:*  
36  
RECORDED  
INDEXED

*Handwritten:*  
61-190-924  
8-28-61

UNITED STATES

# Memorandum

TO : The Director

DATE:

FROM : N. P. Callahan

SUBJECT: The Congressional Record

Original filed in:

66-1731-2424

Pages A8967-A8968. Congressman Roosevelt, (D) California, extended his remarks in support of the American Civil Liberties Union (ACLU). Mr. Roosevelt referred to a recent pamphlet entitled "The Truth About the American Civil Liberties Union." He pointed out "It did not contain the truth about the ACLU, but instead violently and unfairly smeared this fine organization. It violated the sage advice given by J. Edgar Hoover in this article 'The Communist Party Line,' just published by the Senate Judiciary Committee, where he stated, 'The danger of indiscriminately alleging that someone is a Communist merely because his views on a particular issue happen to parallel the official party position is obvious. The confusion which is thereby created helps the Communists by diffusing the forces of their opponents.'" Mr. Roosevelt included with his remarks a letter he received from Mr. Lawrence Speiser, director of the Washington office of the ACLU.

In the original of a memorandum captioned and dated as above, the Congressional Record for \_\_\_\_\_ was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

66-190-  
NOT RECORDED  
170 NOV 9 1961

64 NOV 13 1961

REC-96  
511-XE

6-170-925

December 6, 1961

Mr. [redacted]

Glendale 8, California

Dear Mr. [redacted]

b6  
b7C

Your letter of November 29, 1961, has been received, and the thought prompting you to write is appreciated.

With respect to your inquiry, the FBI is strictly an investigative agency of the Federal Government and, as such, neither makes evaluations nor draws conclusions as to the character or integrity of any organization, publication or individual. In this connection, information contained in our files must be maintained as confidential in accordance with regulations of the Department of Justice. I regret I am unable to help you and hope you will not infer either that we do or do not have data in our files relating to the subjects about which you asked.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

MAILED 20  
DEC 7 - 1961  
COMM-FBI

NOTE: Correspondent cannot be identified in Bufiles. NABET is probably the National Association of Broadcast Employees and Technicians. There is no derogatory data in Bufiles about this union. The FBI has never conducted an investigation of the American Civil Liberties Union. It is noted that the Fifth Report of the California Senate Fact-Finding Committee on Un-American Activities (1949) set forth the following: "American Civil Liberties Union: Cited as heavily infiltrated with communists and fellow travelers and frequently following the Communist Party line and defending communists, particularly in its Los Angeles unit. (California Committee on Un-American Activities Report, 1948, pages 108-112)"

- Tolson \_\_\_\_\_
- Belmont \_\_\_\_\_
- Mohr \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Evans \_\_\_\_\_
- Malone \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Ingram \_\_\_\_\_
- Gandy \_\_\_\_\_

51 DEC 12 1961

MAIL ROOM ☐ TELETYPE UNIT ☐

ea

REC'D

NOTE: (CONTINUED)

JH:lc\* (3)

Mr.

b6  
b7C

NOTE: (Continued)

In connection with this, it is noted that the 34th Annual Report of the American Civil Liberties Union (for the year 1954) reaffirms the anticommunist and antifascist policy of the organizations and maintains its intention to defend civil liberties of all persons regardless of any political party, organization, denomination, race or nationality to which an individual may belong.

TRUE COPY

29th Nov. 1961

Glendale 8, Calif.

b6  
b7C

Dear sirs:

NABET, a labor union to which I belong has recently joined the American Civil Liberties Union without prior knowledge of the membership. Could you please send me information regarding alleged Communist affiliation of the American Civil Liberties Union or any of its more prominent members?

Thanking you very much I am

Sincerely,

/s/

[Redacted Signature Box]

1 True Copy  
10-5-61  
- Lc

HeK  
12-1-61  
JH: Lc

EX-115

REC-96

61-190-925

25 DEC 8 1961

CORRESPONDENCE  
[Handwritten signature]

29<sup>th</sup> Nov. 1961

[Redacted]  
Glendale 8, Calif

Dear sirs:

NABET, a labor union to which  
I belong has recently joined the  
American Civil Liberties Union without  
prior knowledge of the membership.

Could you please send me information  
regarding alleged Communist affiliation  
of the American Civil Liberties Union  
or any of its more prominent members?

Thanking you very much I am

Sincerely,

[Redacted]

DEC 4 3 03 PM '61  
A.K.

12-6-61

57416  
FBI  
RECEIVED

mmh.

CORRESPONDENCE

b6  
b7C



F B I

Date: 11/2/61

Transmit the following in \_\_\_\_\_  
(Type in plain text or code)Via AIRTEL AIR MAIL - REGISTERED  
(Priority or Method of Mailing)

TO: DIRECTOR, FBI

FROM: SAC, LOS ANGELES

SUBJECT: DR. [REDACTED]  
INFORMATION CONCERNING  
(INTERNAL SECURITY)

Enclosed herewith is photostat of "The A.C.L.U. -- A Comment," prepared by captioned individual.

[REDACTED]  
professor, Police Science and Administration Department,  
Long Beach State College, Long Beach, California, furnished  
the following information on 11/2/61:

Dr. [REDACTED] the Police Science  
and Administration Department, State College, Long Beach,  
recently gave [REDACTED] a copy of an article which [REDACTED]  
had prepared and which he proposes to submit for publication  
by some law enforcement or legal journal, which is captioned  
"The A.C.L.U. -- A Comment." In giving [REDACTED] a copy,  
he asked for his comments regarding the article in which  
[REDACTED] makes a strong defense of the ACLU and in his  
conclusions, recommends that all police administrators and  
practitioners seek membership in this organization.

[REDACTED] pointed out that [REDACTED] has been an ACLU  
member for a number of years, and that now that this fact  
has become well known, both to law enforcement and the  
college administration, [REDACTED] has undertaken to justify his  
membership by launching a strong defense of the aims, practices  
and purposes of this organization.

61-190-  
NOT RECORDED

3 - Bureau (AM - REGISTERED) (Encl. 1) 3 NOV 27 1961

1 - Los Angeles

XEROX  
PLM:CEA  
(4) 11/1/61

ENCLOSURE

Approved: [Signature]  
Special Agent in Charge

Sent \_\_\_\_\_ M

ORIGINAL FILED IN

[ ] indicated to [ ] that he was also sending copies of this article to the Chief of Police at Long Beach and Santa Ana, California, as well as college professors and he was also sending a copy to Assistant Director WILLIAM SULLIVAN, asking for comments.

b6  
b7C

The above is being furnished for the Bureau's information inasmuch as Dr. [ ] will reportedly attempt to contact Assistant Director SULLIVAN. ||

Los Angeles files disclose that [ ] was in correspondence with the Bureau by his letter dated 9/25/57, which letter was acknowledged by the Bureau 10/7/57. [ ] was also reported as being active in the ACLU in 1960-1961.

REC-12 61-190-924

December 4, 1961

EX-115

Mr. [redacted]  
[redacted]  
Long Beach 15, California

b6  
b7C

*B. G. [unclear]*  
*[unclear]*

FBI

READING ROOM

DEC 4 5 18 PM '61

Dear Mr. [redacted]

Your letter of November 21, 1961, has been received, and the interest which prompted you to write is appreciated.

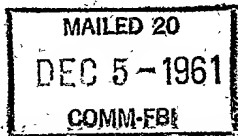
Although I would like to be of service, the jurisdiction and responsibilities of the FBI, strictly an investigative agency of the Federal Government, do not extend to furnishing evaluations or comments concerning the character or integrity of any individual, organization or publication. In addition, information in FBI files must be maintained as confidential through a regulation of the Department of Justice. I regret that I am unable to help you and hope you will not infer either that we do or do not have data in our files relating to the subjects of your inquiries.

Enclosed is some literature on communism you may wish to read. You may also desire to consider my book, "Masters of Deceit," which was written in the hope that it would become a primer for those interested in learning the true nature and objectives of communism. You may be able to obtain a copy of it at your local library.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director



- Tolson \_\_\_\_\_
- Belmont \_\_\_\_\_
- Mohr \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Evans \_\_\_\_\_
- Malone \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Ingram \_\_\_\_\_
- Gandy \_\_\_\_\_

- Enclosures (5)
- Communism and the College Student
- What You Can Do To Fight Communism
- Internal Security Statement 4-17-61
- The Communist Party Line
- One Nation's Response To Communism

MAIL ROOM ☐ TELETYPE UNIT ☐

EFT:bir (3)

See note next page

Mr. [REDACTED]

b6  
b7C

NOTE: Correspondent is not identifiable in Bufiles. The American Civil Liberties Union (ACLU) is "a nationwide nonpartisan organization devoted solely to the protection and advancement of the individual liberties fundamental to the Democratic way of life" and the ACLU is primarily concerned with CP cases because the ACLU believes the free exchange of political opinion and the freedom to associate for the purpose of political expression, both of which are protected from Government interference by the Constitution, are drastically curtailed by the Internal Security Act of 1950 and the order of the SACB (Subversive Activities Control Board). The ACLU has not been investigated by the Bureau. The Los Angeles chapter of the ACLU has circulated a petition calling for abolition of the House Committee on Un-American Activities and, in 1958, the Seattle chapter recommended an investigation of the FBI.

[redacted]  
Long Beach 15, California  
November 21, 1961

Mr. J. Edgar Hoover  
Federal Bureau of Investigation  
Washington D.C.

b6  
b7C

Dear Mr. Hoover:

My name is [redacted] I am a student and [redacted]  
[redacted] at Long Beach State College.

Last summer I became intensely interested in the communist movement in the United States and the threat which it poses to our democratic society. As a student and a future taxpaying citizen, I am vitally concerned with the trend of things here in America. The things with which I am concerned with most now are the growing left-wing ideas indoctrinating the students on campus. Since my

[redacted] I have become acutely <sup>AWAKE</sup> of the problems which exist here on campus. I find that there is much sympathy with the American Civil Liberties Union, too little respect for the John Birch Society, too much anti-student attitudes on the part of the faculty and administration. I have even found that we have the reputation as being a "red infiltrated" school. I have had these suspicions all along but have never had any valid evidence to prove them.

If it is possible could you send me the names of any of the teachers or professors who have been found to be associated with any left-wing or subversive organizations since the first year that the school was in operation. *Am*

I do not intend to attack any of these individuals in public. I do however, want the names and documents for my own personal files and use.

Also, could you send me any documentation pertaining to the present political position of the A.C.L.U., its staff and officially enrolled members' background. *61-190-926*  
This too I want for my own personal files. *100-12*

If you could assist me in these matters I would indeed be very, very grateful.

EX-115

NOV 23 1961

Sincerely Yours

[redacted signature box]

*ack 12-4-61  
mmk EFT/lin*

*3 10 11*  
CORRESPONDENCE

UNITED STATES GOVERNMENT

# Memorandum

TO :

DIRECTOR, FBI

DATE: 12/7/61

FROM :

SAC, PHOENIX (100-352)

SUBJECT:

AMERICAN CIVIL LIBERTIES UNION

b6  
b7C

I am enclosing for the Bureau a document prepared in Phoenix by the FACT Committee. This Committee

Phoenix, Arizona. [redacted] is a very sincere and reputable individual and is in no sense an extremist. He carefully documents his matter for the most part from publications of the organization itself.

EX 100

REC-33

DEC 12 1961

2 - Bureau  
1 - Phoenix

ELB/ebt  
(3)

ENCLOSURE

INT. SEC.

64 DEC 19 1961

December 12, 1961

REC-78

61-190-928

Mrs. [REDACTED]

Columbus 21, Ohio

Dear Mrs. [REDACTED]

b6  
b7C

DEC 12 5 39 PM '61  
REC'D-READING ROOM  
FBI

Your letter of December 7, 1961, has been received, and the interest which prompted you to write is appreciated.

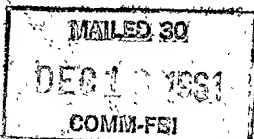
Although I would like to be of service, the FBI is an investigative agency of the Federal Government and, as such, does not make evaluations nor draw conclusions as to the character or integrity of any organization, publication or individual. I regret that I am unable to help you and hope you will not infer in this connection either that we do or do not have data in our files relating to the subject of your inquiry.

Enclosed is some literature dealing with the general subject of communism which may be of interest.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director



Enclosures (4)

A View of Reality

The Deadly Contest

Communist Illusion & Democratic Reality

The Communist Party Line

SEE NOTE NEXT PAGE

15 (3)

MAIL ROOM ☐

TELETYPE UNIT ☐

Tolson  
Belmont  
Mohr  
Callahan  
Conrad  
DeLoach  
Evans  
Malone  
Rosen  
Sullivan  
Tavel  
Trotter  
Tele. Room  
Ingram  
Gandy

DEC 13

DEC 13

DEC 18 1961

DEC 13 2 21 PM '61

RECEIVED DIRECTOR

Mrs.

b6  
b7C

NOTE: Correspondent cannot be identified in Bufiles.  
The FBI has never conducted an investigation of the American Civil Liberties Union. It is noted that the Fifth Report of the California Senate Fact-Finding Committee on Un-American Activities (1949) set forth the following: "American Civil Liberties Union: Cited as heavily infiltrated with communists and fellow travelers and frequently following the Communist Party line and defending communists, particularly in its Los Angeles unit." (California Committee on Un-American Activities Report, 1948, pages 108-12)

In connection with this, it is noted that the 34th Annual Report of the American Civil Liberties Union (for the year 1954) reaffirms the anticommunist and antifascist policy of the organizations and maintains its intention to defend civil liberties of all persons regardless of any political party, organization, denomination, race or nationality to which an individual may belong.



TRUE COPY

December 7, 1961

Dear Mr. Hoover:

Our local P. T. A. is showing "Operation Abolition" for one of its programs. Some of us thought it would be interesting to see the movie "Operation Correction" at the same time. But our chairman said that we could not, because the American Civil Liberties Union is a communist front organization. Is this true? I am not a member, but the member I know are anything but communists.

I would appreciate an early answer.

Sincerely,

/s/



Columbus, 21, Ohio

b6  
b7c

*dm*

*1 true copy*  
*12-11-61*  
*pjt*  
*A-K*  
*12-12-61*  
*Jh:G*  
*maude*

REC-48

*61-190-928*

4 DEC 14 1961

*s/OK*

COLUMBUS 21, Ohio

2E

December 7, 1961

Dear Mr. Hoover:

Our local P. T. A. is showing "Operation Abolition" for one of its programs. Some of us thought it would be interesting to see the movie "Operation Correction" at the same time. But our chairman said that we could not, because the American Civil Liberties Union is a Communist front organization. Is this true? I am not a member, but the members I know are anything but Communists.

I would appreciate an early answer.

Sincerely,

b6  
b7C

aut  
12-1-61  
Sh:J

1-true copy  
12-11-61  
JH

Columbus, 21, Ohio

CORRESPONDENCE

December 15, 1961

REC-124

Mr. [REDACTED]  
Post Office Box [REDACTED]  
Amarillo, Texas

b6  
b7c

Dear Mr. [REDACTED]

DEC 15 5 09 PM '61  
REC'D-READING ROOM  
FBI

Your letter of December 11, 1961, has been received, and the interest which prompted you to write is appreciated.

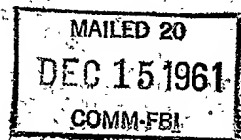
Although I would like to be of service, the FBI is an investigative agency of the Federal Government and, as such, does not make evaluations nor draw conclusions as to the character or integrity of any organization, publication or individual. I regret that I am unable to help you and hope you will not infer in this connection either that we do or do not have data in our files relating to the subjects of your inquiry.

Enclosed is some literature dealing with the general subject of communism which may be of interest.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director



**Enclosures (4)**

Director's Speech 12-7-61 - Criss Award  
4-17-61 Internal Security Statement  
4-1-61 LEB Intro  
Communist Party Line

SEE NOTE NEXT PAGE

DCL:js\* (3)

MAIL ROOM ☐ TELETYPE UNIT ☐

50 DEC 22 1961

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

Mr. [REDACTED]

b6 -  
b7C

NOTE: Bufile 42-3934-1 reflects the name of one [REDACTED]  
[REDACTED] who was taken into custody by Amarillo, Texas, police officers in 1943 as an Army deserter. Bufile 94-5-42133 is a letter from current correspondent, same address, indicating he wishes to combat subversive forces and Bulet 8-30-54 was a cordial note of appreciation, referring him to the Dallas Office.

The American Civil Liberties Union, with headquarters in New York City, has not been investigated by the Bureau. The Los Angeles Chapter has circulated a petition calling for the abolition of the House Committee on Un-American Activities and the Seattle Chapter has recommended an investigation of the FBI. SAC Letter 58-52 instructed the field to advise the Bureau of any action taken by the ACLU to investigate the Bureau.

12/ 11/ 61

2 P.O. Box

2 Amarillo, Texas

J. Edgar Hoover  
Division Of F.B.I.  
Washington, D.C.

b6  
b7C

Dear Sir,

Please advise what you have on the, "American Civil Liberties Union" also on the John Birch Society. Is either of them a communist front organization?

Thank you,

ACK  
12-15-61  
Del [signature]  
uml

REC-124

EX-108

61-190-929

25 DEC 19 1961

CORRESPONDENCE

12-15-61

December 26, 1961

REC-5

61-190-930

Newark, Ohio

Dear Mr. [REDACTED]

Your letter of December 18, 1961, has been received, and the interest which prompted you to write is appreciated.

Although I would like to be of service, the FBI is an investigative agency of the Federal Government and, as such, does not make evaluations nor draw conclusions as to the character or integrity of any organization, publication or individual. I regret that I am unable to help you and hope you will not infer in this connection either that we do or do not have data in our files relating to the subject of your inquiry.

Enclosed is some literature dealing with the general subject of communism which may be of interest.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

MAILED 25

DEC 26 1961

COMM-FBI

Enclosures (5)  
10-1-61 LEB Intro

A View of Reality

Communist Illusion & Democratic Reality

The Communist Party Line

Director's Speech 12-7-61 "The Faith To Be Free"

SEE NOTE NEXT PAGE

DCL:js\* (3)

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

MAIL ROOM ☐

TELETYPE UNIT ☐

REC'D-READING ROOM  
FBI

DEC 26 3 13 PM '61

DEC 26 3 00 PM '61

RECEIVED

b6  
b7c

NOTE: The FBI has never conducted an investigation of the American Civil Liberties Union. It is noted that the Fifth Report of the California Senate Fact-Finding Committee on Un-American Activities (1949) set forth the following: "American Civil Liberties Union: Cited as heavily infiltrated with communists and fellow travelers and frequently following the Communist Party line and defending communists, particularly in its Los Angeles unit." (California Committee on Un-American Activities Report, 1948, pages 108-12)

In connection with this, it is noted that the 34th Annual Report of the American Civil Liberties Union (for the year 1954) reaffirms the anticommunist and antifascist policy of the organizations and maintains its intention to defend civil liberties of all persons regardless of any political party, organization, denomination, race or nationality to which an individual may belong.

PHONE FA 9-8801

NEWARK, OHIO

December 18, 1961

Mr. J. Edgar Hoover  
United States Department of Justice  
Federal Bureau of Investigation  
Washington 25, D. C.

Dear Mr. Hoover:

In a letter to the editor of the Newark Advocate, Newark, Ohio, someone made the following charge against the American Civil Liberties Union: "As for the American Civil Liberties Union, it is a part of the Communist Party of the USA and if Mrs. Powell would care to investigate this further, she would find this as a fact." I feel from what little that I know that this is an entirely false charge.

Is there evidence to support the fact that the ACLU is "part of the Communist Party"? Has it been listed by the FBI or Department of Justice as a subversive organization?

I happen to know the one who wrote the letter and I know she does sometime get her information <sup>from</sup> sources which I consider irresponsible. I am quite interested in knowing the truth.

Thank you!

Yours,

Newark, Ohio

61-190-930

13 DEC 28 1961

REC-5

EX-113

CORRESPONDENCE

b6  
b7c

amb  
12-26-61  
del: [signature]  
[signature]



# AMERICAN CIVIL LIBERTIES UNION

FOUNDED 1920 • 156 FIFTH



ERNEST ANGELL  
Chairman, Board of Directors

RALPH S. BROWN, JR.  
MRS. SOPHIA YARNALL JACOBS  
Vice-Chairmen,  
Board of Directors

EDWARD J. ENNIS  
OSMOND K. FRAENKEL  
General Counsel

B. W. HUEBSCH  
Treasurer

DOROTHY KENTON  
Secretary

MORRIS L. ERNST  
JOHN HAYNES HOLMES  
NORMAN THOMAS  
Directors Emeritus

FRANCIS BIDDLE  
Chairman, National Committee

PEARL S. BUCK  
HOWARD F. BURNS  
ALBERT SPRAGUE COOLIDGE  
J. FRANK DOBIE  
LLOYD K. GARRISON  
FRANK P. GRAHAM  
PALMER HOYT  
KARL MENNINGER  
LOREN MILLER  
MORRIS RUBIN  
LILLIAN SMITH  
Vice-Chairmen,  
National Committee

ROGER N. BALDWIN  
Adviser, International Workers Order of Teachers

PATRICK MURPHY MALIN  
Executive Director

Mr. Tolson  
Mr. Belmont  
Mr. Mohr  
Mr. Callahan  
Mr. Conrad  
Mr. DeLoach  
Mr. Evans  
Mr. Malone  
Mr. Rosen  
Mr. Sullivan  
Mr. Tavel  
Mr. Trotter  
Tele. Room  
Mr. Ingram  
Miss Gandy

Dear Fellow-Member:

In beginning this last letter to you, after twelve years on the Union's staff, I am delighted to report that our new executive director is John Pemberton, Jr., head of the leading law firm in Rochester, Minnesota, a member of the Minnesota Fair Employment Practices Commission, and recently chairman of our affiliate in that state. Born there in 1919, the son of a surgeon at the famed Mayo Clinic, he was graduated from the local schools, Swarthmore College, and Harvard Law School; he then taught at Duke University Law School until 1950.

He and the national Board and Committee, our affiliates in 27 states and their chapters in 75 communities, and our now almost 60,000 members (up six-fold since 1949) will have much to do. Like their predecessors since the ACLU was founded in 1920, they will be working only for the guarantees of the Bill of Rights. But that "only" covers even wider areas, even more troublesome, today, in this era of confusion at home and tension abroad, than ever before in the ACLU's history.

The Union desperately needs now to intensify its efforts to enlist white lawyers in the South to defend the civil liberties of Negro citizens in their gallant struggle for their constitutional rights. It is equally needed to defend teachers against attacks by the Birchers and similar groups. It will be needed most of all perhaps to protect all the American people from threats implicit in what is often called "the garrison state."

For the ACLU to do better its share of this mounting task, more intelligence and endurance will be required than ever before. John Pemberton, and the excellent colleagues whom he inherits in the national and affiliate staffs and boards and in our corps of cooperating attorneys, will do their utmost. But they will need increasing support from you -- to whom, as to them, I am both officially and personally grateful beyond all telling.

So, as your welcome to John Pemberton, I hope you will help us end the fiscal year in the clear, and thus help him start in firm solvency. This time in the usual enclosed envelope, I hope you will join me in sending for our work -- and for him -- all you can afford: \$5 or \$10, \$25 or \$50, \$100 or \$500. Sent today, it will go to work for civil liberties tomorrow.

Your friend,

Patrick Murphy Malin

CORRESPONDENCE

ENCLOSURE

ENCLOSURE ATTACHED

58 JAN 10 1962

## THE 1962 PROGRAM

**FEDERAL SECURITY PROGRAM:** Increased international tensions will no doubt increase Congressional pressure for restrictive legislation to deny confrontation and cross-examination to workers and passport applicants in security cases. Continued opposition will be maintained.

**WIRETAPPING:** Through court cases and legislative testimony, electronic eavesdropping will be vigorously opposed as a serious violation of the right to privacy.

**MENTAL COMMITMENTS:** State and federal legislation will be urged to improve commitment procedures for the mentally ill to guarantee full and fair hearing and review. In addition, several cases challenging existing defective procedures are being supported.

**VOTING AND REAPPORTIONMENT:** The ACLU position on re-apportionment which holds that the equal-protection clause of the 14th Amendment is infringed by dilution, as well as the denial, of the right to vote, will continue to be the object of a broad legal and educational campaign. Additional briefs will be filed by the Union and its affiliates.

## THE 1961 RECORD

The Union fought a series of bills which would give Congressional backing to security programs lacking due process which cover industrial workers, seamen and dockworkers, and government employees. Unsuccessful support was given in the *Brauner* case involving a short-order cook who was barred from entry to the Naval Gun factory for unstated security reasons.

The Union strenuously fought Congressional efforts to pass legislation, still pending, to permit court-authorized tapping by either state or federal officials.

In a N. Y. case, the U. S. Court of Appeals held unconstitutional a statute permitting summary transfer of mental patients from a state hospital to one for the criminally insane. Testimony was presented to a Senate sub-committee on the rights of the mentally ill.

Suit to compel re-apportionment in the Indiana legislature was filed. The Michigan affiliate appeared *amicus* in a reapportionment suit there. In New York, an *amicus* brief on behalf of a Spanish-speaking citizen claimed that the state requirement that voters be literate in English was unconstitutional.

## EQUALITY BEFORE THE LAW

**DISCRIMINATION IN HOUSING:** The drive will go on to end discrimination in all forms of federally-aided housing, whether public or that financed by government lending and mortgage agencies.

**IMMIGRATION-CITIZENSHIP:** The ACLU will continue to fight the government's efforts to expatriate native-born citizens as a penalty for service in a foreign army or for evasion of military duty in the *Marks* and *Mendoza-Martinez* cases.

**DESEGREGATION IN SCHOOLS AND PLACES OF PUBLIC ACCOMMODATION:** Support of sit-ins and Freedom Riders will continue by legal representation in significant cases. Other widespread segregation practices in schools, restaurants and other places of public accommodation will be challenged.

**AMERICAN INDIANS:** Support will be given through litigation to determine whether the Secretary of Interior, by approval of a tribal council ordinance, may prohibit the use of non-addictive peyote in religious ritual of the Native American Church.

The Union joined a drive for a federal executive order to broaden restrictions against bias in federally-assisted housing. Affiliates in Colorado and Washington supported in key test cases anti-bias laws.

Deportation of a U. S. citizen as a penalty for an action which could be more properly dealt with by less stringent means was fought. A Congressional bill weakening judicial review of deportation orders was unsuccessfully opposed.

A federal Court of Appeals decree was won requiring a South Carolina school to admit a group of "Turks" (children of debatable ancestry); admission to a white school in Georgia was won for white children of the Koinonia community, barred because of their parents' views on integration.

Aid was given the Seneca Nation in their long fight against displacement from their ancestral tribal grounds by construction of the Kinzua Dam, which would flood lands granted them under a 1794 treaty with George Washington.

## INTERNATIONAL CIVIL LIBERTIES

Pressures will continue to secure U. S. adherence to United Nations treaties; efforts will be made to strengthen the International Court of Justice by repeal of the crippling Connally Amendment.

Support was given for voteless representation in Congress for Guam and the Virgin Islands, and for Presidential review of military occupation policies in Okinawa.

426

AMERICAN CIVIL LIBERTIES UNION • 156 FIFTH AVENUE, NEW YORK 10, N. Y.

# GOALS FOR 1962

WITH A REVIEW OF 1961

61-190-931

# GOALS FOR 1962

WITH A REVIEW OF 1961

*As the nation's only permanent non-partisan organization devoted exclusively to the defense of the Bill of Rights for everyone, the American Civil Liberties Union, since its founding in 1920, has been on the alert, ready to act, wherever violations of our constitutional freedoms are threatened. The Union attacks these infringements at national, affiliate and chapter levels through litigation, legislative activity, administrative hearings and in appeals to public opinion through all channels of communication.*

*In beginning its 42nd year as a "watchdog", the Union foresees the major civil liberties issues for 1962 as listed below on the left. At right are highlights of the same area in 1961. The ACLU took direct action on most of these issues. Its policies on all have long been a matter of public record.*

## THE 1962 PROGRAM

## THE 1961 RECORD

### FREE SPEECH AND ASSOCIATION

**ACADEMIC FREEDOM:** A pamphlet on rights of public school teachers and students is being prepared. The Union will continue to intervene on behalf of teachers dismissed without due process and in spite of satisfactory professional performance; to oppose the suppression of free speech and free press on campus, and the imposition of federal and state loyalty oaths for teachers and recipients of loans or grants.

**HOUSE UNAMERICAN ACTIVITIES COMMITTEE:** Believing that national public opinion must be mobilized before Congress will seriously consider abolition of or stringent curbs on the committee, the ACLU will continue its broad educational campaign. Special effort will be made to interest other national organizations in joining with the Union in opposing the committee's violations of free speech-association and due process. Where new constitutional tests can be brought, legal challenges will be considered.

**LABOR:** Increased action will be taken in instances where dissenting union members are expelled or disciplined for voicing opposition to internal union policies. A study of corporate political spending under the First Amendment will be expanded to include organized labor's activities in this area.

**CHURCH-STATE:** Three ACLU-supported cases challenging religious practices in public schools are pending. The Long Island prayer case will be heard in the U. S. Supreme Court. The Philadelphia Bible-reading and Miami religious practices suits will be further pressed.

**CENSORSHIP:** Completion of a comprehensive review of obscenity-censorship policy is scheduled. Challenges of government pre-censorship, particularly in areas of motion pictures and books, will continue. Legal efforts to determine the right of "Tropic of Cancer" to circulate free of police coercion will be pushed.

**TV-RADIO:** Insistence on some time for all political candidates will continue. In the interest of diversification, legislation will be supported requiring manufacturers to produce only TV sets which can receive both UHF-VHF broadcasts. A gradual change-over to all UHF will again be urged.

The Union issued a statement on the dangers of disclosure by teachers of personal information about former students to government and other employers; revised its pamphlet on rights of college students; protested the action of a Michigan school board in dismissing and having arrested a teacher who had used in class a novel by Nobel Prize winner Camus; opposed the banning of controversial speakers from New York municipal colleges.

A nationwide educational campaign highlighted the committee's civil liberties violations, with the major emphasis on denial of First Amendment freedoms. A statement by 250 prominent professors pointing out the committee's attack on academic freedom and calling for its abolition was given wide distribution. The *Wilkinson* case, testing the key issue of a committee critic's being forced to disclose political beliefs, was lost 5-4 in the Supreme Court. A reversal of the *Turoff* contempt conviction was won in the lower courts.

The case of two West Coast union members expelled for their advocacy of right-to-work laws was won. A review of the problems of picketing concluded with disapproval of Congressional barriers to picketing under the Landrum-Griffin Bill, and with reaffirmation of the right to picket within the clear-and-present-danger doctrine.

Legislation calling for federal aid to church-controlled schools was opposed; objection was not offered for aid to church-related colleges which are education- rather than religion-oriented. Challenge of use of public funds for parochial school text-books was won in Oregon's Supreme Court. The U. S. high court invalidated a Maryland law requiring belief in God as a condition for holding public office.

A major *amicus* brief challenging municipal motion picture pre-censorship was filed in a case lost in the Supreme Court. The campaign against Post Office censorship of foreign political matter resulted in President Kennedy's decision to end this practice. Police drives to remove "Tropic of Cancer" from bookstores by threats of prosecution, rather than actual arrests, were protested.

The Union filed with the FCC a widely-reported memorandum holding that the latter's proposed program rules do not constitute censorship, but aim at balanced diversified TV and radio fare. The Union altered its position on equal time, urging "equitable" rather than equal time be accorded political candidates.

### DUE PROCESS OF LAW

**LEGAL COUNSEL FOR NEGROES IN THE SOUTH:** Continuing efforts will be made to secure un intimidated cooperating attorneys to represent Negro defendants in civil rights suits. Endeavors to arouse public opinion about denial of right to counsel will go on, as will appeals to bar groups to represent unpopular clients.

**POLICE PRACTICES:** In Oklahoma, a case of coercion will be challenged in which confession was obtained by imprisonment of the accused's family. A study will be made on the right to a speedy trial of persons charged in one jurisdiction but imprisoned in another. Close watch will be kept on police behavior to assure their conforming with the *Mapp* decision.

Counsel was provided for Freedom Riders arrested in Jackson, Miss. A Virginia legislative committee was challenged on its policy of harassing Negro attorneys active in civil rights cases.

On the basis of an ACLU *amicus* brief in the *Mapp* case, the Supreme Court ruled that unconstitutionally obtained evidence was inadmissible in state criminal trials. In the *Monroe* case, the Supreme Court upheld the right of victims of illegal police practices to sue for damages under the Federal Civil Rights Act. Despite some police associations' smear attacks charging subversive intent in ACLU-supported independent review boards, affiliates continued to press for such boards to consider violations of citizens' rights.

PULL  
HERE

FROM

J. Edgar Hoover  
Dept. of Justice  
Washington 25, D.C.

FIRST CLASS  
PERMIT No. 7031  
NEW YORK, N. Y.

**BUSINESS REPLY MAIL**  
NO POSTAGE STAMP NECESSARY IF MAILED IN THE UNITED STATES

POSTAGE WILL BE PAID BY

**AMERICAN CIVIL LIBERTIES UNION**

*National Office*

156 FIFTH AVENUE

NEW YORK 10, N. Y.

61-190-931

*Liberty lies in the hearts of men  
and women; when it dies there, no  
constitution, no law, no court can  
save it; no constitution, no law, no  
court can even do much to help it.*

**— LEARNED HAND  
1872-1961**



**I am glad to send \$..... as my contribution to the  
ACLU'S 1962 SPECIAL FUNDS APPEAL to support its continued fight for the  
Bill of Rights on all fronts, national and local, throughout the coming year.**

***No stamp or signature needed. Simply enclose donation, seal and mail.***

**REMEMBER:** The ACLU's integrated affiliates, whose needs are also great, will share in your generosity. If you live in one of these STATES or city areas, your contribution will be divided with your affiliate just as your membership dues are regularly shared:

ARIZONA	IOWA	MINNESOTA	RHODE ISLAND	Houston
COLORADO	KENTUCKY	NEW JERSEY	UTAH	Kansas City
CONNECTICUT	LOUISIANA	NEW MEXICO	WASHINGTON STATE	New York City
FLORIDA	MARYLAND	OHIO	WISCONSIN	Philadelphia
ILLINOIS	MASSACHUSETTS	OREGON	Austin, Texas	St. Louis
INDIANA	MICHIGAN	PENNSYLVANIA	Buffalo	

UNITED STATES

Memorandum

TO : MR. A. ROSEN *fu*

DATE: December 27, 1961

FROM : MR. G. H. SCATTERDAY *gm*SUBJECT: JOHN de J. PEMBERTON, JR.  
INFORMATION CONCERNING

*W. J. Sullivan*

Tolson	_____
Belmont	_____
Mohr	_____
Callahan	_____
Conrad	_____
DeLoach	_____
Evans	_____
Malone	_____
Rosen	_____
Sullivan	_____
Tavel	_____
Trotter	_____
Tele. Room	_____
Ingram	_____
Gandy	_____

*V. J. Sullivan*  
*M. J. Sullivan*

The attached clipping from the "Washington Post and Times Herald" of 12-27-61 reports that John de J. Pemberton, Jr., 42-year-old Rochester, Minnesota, lawyer, has been elected Executive Director of the American Civil Liberties Union (ACLU). He will succeed Patrick Murphy Malin and will assume the position on 4-1-62. The article describes Pemberton as a graduate of Harvard Law School and a former member of the law faculty at Duke University who has been in private law practice in Rochester for the past eleven years.

Bureau files have been reviewed concerning Pemberton and the only information appearing therein concerning him indicates that in 1956 and 1957 he was President of the Minnesota branch of the ACLU. (61-190-607 EP 2; 667 EP 2)

"Martindale-Hubbell Law Directory" indicates that Pemberton is a member of the firm of Pemberton, Michaels, Bishop and Seeger, Room 228 Northwestern Bank Building, Rochester, Minnesota.

ACTION:

For information.

Enclosure

GHS:fjb  
(5)

- 1 - Mr. Belmont
- 1 - Mr. DeLoach
- 1 - Mr. Rosen
- 1 - Name Check Section

DEC 30 10 00 AM '61

F.B.I.  
RECEIVED-DIRECTOR61-190-932  
JAN 5 1962

NAME CHECK

51 JAN 12 1962

### **ACLU Elects Lawyer From Rochester, Minn.**

NEW YORK, Dec. 26 (UPI) — John de J. Pemberton Jr., a 42-year-old lawyer from Rochester, Minn., has been elected executive director of the American Civil Liberties Union, it was announced today.

He will assume his position April 1, succeeding Patrick Murphy Malin, who last July was named president of the American-operated Robert Colleges in Istanbul.

A Harvard law school graduate and former member of the law faculty at Duke University, Pemberton has been practicing law privately in Rochester for 11 years.

Pemberton has served as chairman of the Minnesota branch of ACLU, and currently is a member of the branch's executive board. He also is a member of the Minnesota Fair Employment Practices Commission.

Washington Post and Times Herald  
Dec. 27, 1961  
Page A 4

61-190 932  
ENCLOSURE

EX-115

January 8, 1962

REC-33

61-190-933

Mr. [redacted]  
[redacted]  
St. Paul 13, Minnesota

b6  
b7c

Dear Mr. [redacted]

Your letter of January 2, 1962, has been received, and the interest which prompted you to write is appreciated.

Although I would like to be of service, the FBI is an investigative agency of the Federal Government and, as such, does not make evaluations nor draw conclusions as to the character or integrity of any organization, publication or individual. I regret that I am unable to help you and hope you will not infer in this connection either that we do or do not have data in our files relating to the subject of your inquiry.

FBI

REC'D-READING ROOM

JAN 8 4 25 PM '62

Enclosed is some literature dealing with the general subject of communism which may be of interest.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

MAILED 20  
JAN 8 - 1962  
COMM-FBI

- Enclosures (5)  
Director's Speech 12-7-61 "The Faith To Be Free"  
The Deadly Contest  
Communist Illusion & Democratic Reality  
The Communist Party Line  
One Nation's Response to Communism

SEE NOTE NEXT PAGE

DWW:js\* (3)

- Tolson \_\_\_\_\_
- Belmont \_\_\_\_\_
- Mohr \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Evans \_\_\_\_\_
- Malone \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Ingram \_\_\_\_\_
- Gandy \_\_\_\_\_

51 JAN 12 1962

TELETYPE UNIT ☐



Mr.

b6  
b7C

**NOTE:** Correspondent is not identifiable in Bufiles.

The American Civil Liberties Union with headquarters in New York City has not been investigated by the Bureau. The Los Angeles Chapter has circulated a petition calling for the abolition of the House Committee on Un-American Activities and the Seattle Chapter has recommended an investigation of the FBI. SAC Letter 58-52 instructed the field to advise the Bureau of any action taken by the ACLU to investigate the Bureau. (61-190-834)

[Redacted]  
St. Paul 13, Minn.

Mr. J. Edgar Hoover  
Federal Bureau of Investigation  
Washington, D.C.

January 2, 1962

Dear Mr. Hoover:

b6  
b7c

I am a devoted and active Republican. Recently during the membership drive of American Civil Liberties Union, I gave them a check for two dollars and became an associate member. Since then I have been wondering whether I did the right thing, because when I mention the name of this organization I immediately get a negative reaction from my associates. Perhaps I am not aware of the stigma that might be attached to this organization, being an American through naturalization. Worse yet, it could be a subversive organization. I do have a secret clearance with my company (Minnesota Mining and Manufacturing), and am very anxious to hear from you and receive the benefit of your opinion. I have never gone to any of their meetings, and I know of other Republicans who are members, so it did not appear to be a bad thing to do to join at the time. However I am ready to resign now because it may hurt me.

I will appreciate it very much if you would kindly clear this up for me.

Very truly yours,

[Redacted Signature]

REC-33

61-190-933

EX-115

JAN 9 1962

ack  
1-8-62  
DWK  
mm

CORRESPONDENCE

January 11, 1962

EX-111-61-170-934

REC-107

Mr. [redacted]  
[redacted]  
Los Angeles 49, California

Dear Mr. [redacted]

Your letter postmarked January 4, 1962, has been received, and I want to thank you for your kind message concerning the work being done by the FBI.

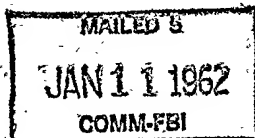
Although I would like to be of service, the FBI is an investigative agency of the Federal Government and, as such, does not make evaluations nor draw conclusions as to the character or integrity of any organization, publication or individual. I regret that I am unable to help you and hope you will not infer in this connection either that we do or do not have data in our files relating to the subject of your inquiry.

Enclosed is some literature dealing with the general subject of communism which may be of interest.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director



Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

Enclosures (4) A View of Reality  
The Deadly Contest  
Communist Illusion and Democratic Reality  
The Communist Party Line

NOTE: Bufiles contain no record of the correspondent on the basis of information furnished. (Continued next page)

MAIL ROOM ☐

TELETYPE UNIT ☐

DCL:lc\* (3)

JAN 11 11 31 AM '62  
REC'D-READING ROOM  
FBI

Mr.

b6  
b7C

**NOTE: (Continued)**

The FBI has never conducted an investigation of the American Civil Liberties Union. It is noted that the Fifth Report of the California Senate Fact-Finding Committee on Un-American Activities (1949) set forth the following: "American Civil Liberties Union: Cited as heavily infiltrated with communists and fellow travelers and frequently following the Communist Party line and defending communists, particularly in its Los Angeles unit." (California Committee on Un-American Activities Report, 1948, pages 108-12)

In connection with this, it is noted that the 34th Annual Report of the American Civil Liberties Union (for the year 1954) reaffirms the anticommunist and antifascist policy of the organizations and maintains its intention to defend civil liberties of all persons regardless of any political party, organization, denomination, race or nationality to which an individual may belong.

December 25, 1961

Mr. J. Edgar Hoover  
Un-American Activities Committee  
Washington, D. C.

Dear Mr. Hoover:

<sup>Amer/Can</sup>  
Will you please identify for me the activities of the "Civil Liberties Union". Is this not actually a Communist front? Thank you very much for this information.

I wish to take this opportunity to personally thank you for the work you have done to try and preserve our Country from these forces which are trying to destroy it. Many people are most grateful.

Yours sincerely,



b6  
b7c

jvd/  
mcr

Los Angeles 49, California

EX-113

REC-107

6-190-934

25 JAN 12 1962

CORRESPONDENCE

ACK  
1-11-62  
DE Lile

200000

January 16, 1962

REC-91 61-170-935

EX-113

Mr. Robert A. Choate  
Barnes, Kisselle, Ralsch and Choate  
1514 Ford Building  
Detroit 26, Michigan

Dear Mr. Choate:

Your letter of January 10, 1962, has been received, and the interest which prompted you to write is appreciated.

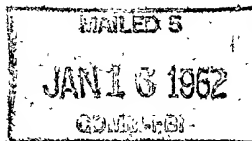
Although I would like to be of service, the FBI is an investigative agency of the Federal Government and, as such, does not make evaluations nor draw conclusions as to the character or integrity of any organization, publication or individual. I regret that I am unable to help you and hope you will not infer in this connection either that we do or do not have data in our files relating to the subject of your inquiry.

Enclosed is some literature dealing with the general subject of communism which may be of interest.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director



Enclosures (4) Director's Speech 12-7-61 "The Faith To Be Free"  
Communist Illusion and Democratic Reality  
The Communist Party Line  
One Nation's Response to Communism

NOTE: Bufiles contain no record identifiable with correspondent. The American Civil Liberties Union with headquarters in New York City has

NOTE CONTINUED NEXT PAGE

DWW:lc\* (3)

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

MAIL ROOM ☐ TELETYPE UNIT ☐

JAN 16 4 43 PM '62  
REC'D-READING ROOM  
FBI

Mr. Robert A. Choate

NOTE CONTINUED:

not been investigated by the Bureau. The Los Angeles Chapter has circulated a petition calling for the abolition of the House Committee on Un-American Activities and the Seattle Chapter has recommended an investigation of the FBI. SAC Letter 58-52 instructed the field to advise the Bureau of any action taken by the ACLU to investigate the Bureau. (61-190-834)

LAW OFFICES OF  
BARNES, KISSELLE, RAISCH & CHOATE

1514 FORD BUILDING  
DETROIT 26

WOODWARD 2-4790

ARTHUR RAISCH  
JOHN M. KISSELLE  
ROBERT A. CHOATE  
ALFONSE J. D'AMICO

BASIL C. FOUSSIANES  
BRADFORD LAUGHLIN  
WILLIAM J. WAUGAMAN

PATENT & TRADE MARK PRACTICE

STUART C. BARNES  
OF COUNSEL

LACEY LAUGHLIN  
1926-1956

January 10, 1962

Federal Bureau of Investigation  
Washington 25  
D. C.

Gentlemen:

I am not sure that it is your business to answer the request that I have to make; but if you do have a department for this, I will appreciate a reply.

I have been approached by the American Civil Liberties Union for financial support of its program. ~~From the literature that I have,~~ it appears that their program is a worthy one. My question to your organization would be whether or not there is or has been any investigation of this group which would throw any light, or whether or not it is a proper group to receive support. I am not asking that you substitute your judgment for mine, but simply would like to know whether you have any information which would enable me to make a decision.

Yours very truly,

*Robert A. Choate*

RAC:saw

REC-91

61-190-935

JAN 17 1962

EX-113

CORRESPONDENCE

ack  
1-16-62  
Pawel  
mmh



4  
REC- 41

January 19, 1962

JAN 19 11 45 AM '62  
REC'D-READING ROOM  
FBI

Mr. [redacted]

Rapid City Chamber of Commerce  
Post Office Box 747  
Rapid City, South Dakota

b6  
b7C

Dear Mr. [redacted]

Your letter dated January 9, 1962, has been received.

I wish that it were possible to be of assistance to you; however, since the FBI had no connection with the preparation of the film, "Operation Correction," I am unable, as a matter of policy, to comment concerning its contents.

Also, this Bureau is strictly a fact-gathering agency of the Federal Government and, as such, does not make evaluations nor draw conclusions as to the character or integrity of any organization, individual or publication. Please do not infer, however, either that we do or do not have data in our files concerning the group to which you referred.

Enclosed is material currently available for general distribution by the FBI you may find of interest.

Sincerely yours,  
J. Edgar Hoover

DCM  
PAG 6

MAILED 2  
JAN 19 1962  
COMM-FBI

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

Enclosures (5)  
Director's Speech, 12-7-61  
10-61 LEB Introduction  
One Nation's Response to Communism

What You Can Do To Fight Communism  
The Communist Party Line

JAN 30 1962  
MAIL ROOM ☐ TELETYPE UNIT ☐

See NOTE next page

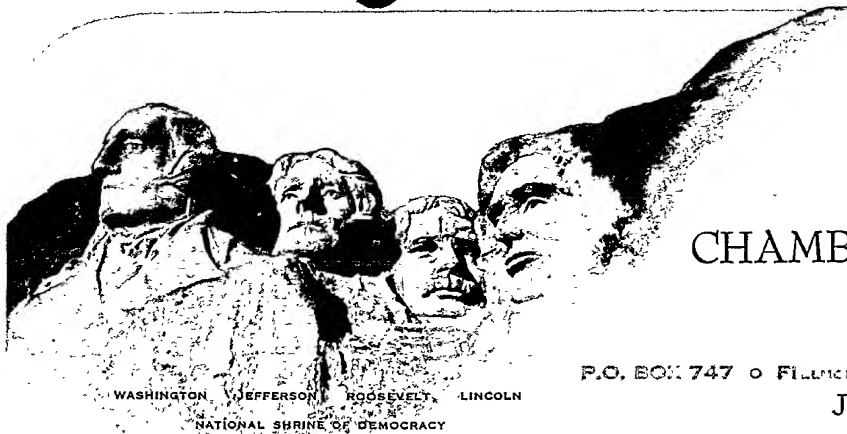
DCL:pjt (3) ED-DIRECTOR

Mr. [REDACTED]

b6  
b7C

NOTE: Correspondent forwarded a letter, 5/19/61, very similar to his current letter, inquiring re the HCUA film, "Operation Abolition." Blue letterhead stationery per prior Bureau reply 5/18/61. (62-106289-338) No other references on [REDACTED] Bufile 62-106983-Sub A contains a newspaper clipping from the 11/30/61 "San Francisco News-Call Bulletin" stating that "Operation Correction" is a film issued by San Francisco's American Civil Liberties Union as a revised version of HCUA's "Operation Abolition." The clipping states this new film is made from the identical film footage but the narrator, Fulton Lewis the III, has been replaced by Northern California ACLU Executive Director Ernest Besig. The film also allegedly corrects time sequences found controversial in the first film.

Ernest Besig is subject of Bufile 100-232575. Through the years, Besig has represented individuals who have been Communist Party members or who have been active in communist front groups in connection with his employment with the American Civil Liberties Union. He has for years protested to our San Francisco Office the handling of various individuals who are being interviewed in connection with communist matters. In February, 1953, the Director noted, "I think when Besig calls our SF Office a clerk should receive call, comment upon nothing and just listen to his rantings with a convenient cut off every now and then. It flatters him to talk to SAC and furthermore we haven't time to listen to him." On December 2, 1953, Besig was put on the "List of persons not to be contacted without prior Bureau authority."



RAPID CITY  
CHAMBER OF COMMERCE

P.O. BOX 747 • FILMERE 3-1744 • RAPID CITY, SOUTH DAKOTA  
January 9, 1962

Mr. J. Edgar Hoover  
Department of Justice  
Washington D. C.

Dear Mr. Hoover:

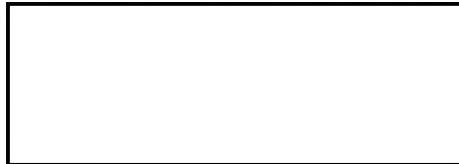
A film entitled "Operation Correction", produced by the  
~~American Civil Liberty Union, 503 Market Street, San~~  
~~Francisco 5, California, with Ernest Besig as Executive~~  
~~Director, has been referred to our Americanism Sells~~  
Committee.

We understand that this film promotes the idea that  
the Communists had little, if anything, to do with the  
San Francisco riots and implies police brutality was  
imposed upon the students.

To us this film and the title of the organization  
imply the possibility of a Communist front organization.  
We would appreciate any information, however, on this  
organization, its Director, and the film, which may be  
helpful to us in our consideration.

Kindest regards.

RAPID CITY CHAMBER OF COMMERCE



b6  
b7C

LO/jms  
cc: Ed Pullen

REC- 41

61-172-936  
JAN 23 1962

DEL/Car/jst

1/17/62

18

19

REC-72

January 25, 1962

EX-104

Mr. [REDACTED]  
Box [REDACTED]  
Phoenix, Arizona

b6  
b7c

Dear Mr. [REDACTED]

JAN 25 4 44 PM '62  
REC'D-READING ROOM  
FBI

I have received your letter of January 16th and the interest prompting you to communicate with me is appreciated.

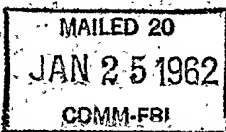
While I would like to be of assistance to you, the FBI is strictly an investigative agency of the Federal Government and neither makes evaluations nor draws conclusions as to the character or integrity of any organization, publication or individual. In this connection, information contained in our files must be maintained as confidential in accordance with regulations of the Department of Justice. In view of this, I am sure you will understand why I am unable to comment in the manner you have suggested.

Enclosed is some material you may like to read.

Sincerely yours,

L. Edgar Hoover

John Edgar Hoover  
Director



**Enclosures (5)**

Organizations Designated Under Executive Order No. 10450  
The Faith To Be Free (Director's statement 12-7-61)  
Communist Illusion and Democratic Reality  
The Communist Party Line  
One Nation's Response to Communism

NOTE: Bufiles contain no information identifiable with either Weil or Well. Unable to verify name in phone directory.

JCF:ise\* (3)

NOTE continued next page.

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

FEB 1 1962

MAIL ROOM

TELETYPE UNIT

Mr.

b6  
b7c

NOTE: The FBI has never conducted an investigation of the American Civil Liberties Union. It is noted that the Fifth Report of the California Senate Fact-Finding Committee on Un-American Activities (1949) set forth the following: "American Civil Liberties Union: Cited as heavily infiltrated with communists and fellow travelers and frequently following the Communist Party line and defending communists, particularly in its Los Angeles unit." (California Committee on Un-American Activities Report, 1948, pages 108-12)

In connection with this, it is noted that the 34th Annual Report of the American Civil Liberties Union (for the year 1954) reaffirms the anticommunist and antifascist policy of the organizations and maintains its intention to defend civil liberties of all persons regardless of any political party, organization, denomination, race or nationality to which an individual may belong. Purposely ignoring his last questions regarding whether this organization has been cited, since the possibility exists that correspondent would make the Director's reply public resulting in a controversy arising with the American Civil Liberties Union, which organization thrives on such publicity.

TRUE COPY

1/16/62

Mr. J. Edgar Hoover, FBI,  
Washington.

Dear Sir:

As a young man I was taught that the American Civil Liberties Union was a patriotic organization. O

Repeatedly, in our neighborhood & PTA anti-communism study groups, I have been told that the ACLU is a semi-subversive group which furthers communism; not Americanism and good citizenship.

I'd like to know the truth. But no local source of truth is acknowledged by both the Goldwater wing & the national Council of Churches wing of our neighborhood. So I said I'd write to you to learn the real truth about the ACLU

An endorsement of the ACLU is not desired. Merely a statement that it is, or is not a subversive organization, inimical to American democracy.

Thank you.

Sincerely yours,

[Redacted]

Box [Redacted]  
Phoenix, Arizona

b6  
b7C

Was it cited as Subversive by some legislative committees? If so, what does such a citation signify?

*1 true copy  
1/24/62  
ml*

*gc4*

1/16/62

Mr. J. Edgar Hoover, FBI,  
Washington,  
Dear Sir.

on copy

As a young man I was taught that  
the American Civil Liberties Union  
was a patristic organization.

lff Repeatedly, in our neighborhood + PTA  
anti-Communism study groups,  
I have been told that the ACLU  
is a semi-subversive group which  
further Communism; not American-  
ism and good citizenship.

I'd like to know the truth. But  
no local source of truth is  
acknowledged by both the

REC-72

EX 104

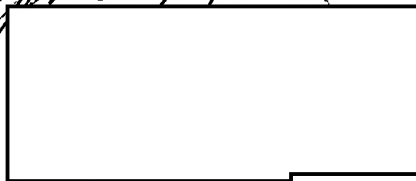
nmml Goldwater wing  
Feb 1-25-62  
JCS: jso

61-190-937  
JAN 23 1962  
CORRESPONDENCE

Council of Churches wing of our  
neighborhood. So I said I'd  
write to you to learn the  
real truth about the ACLU.

An endorsement of the ACLU is not  
desired. Merely a statement that  
it is, or is not a subversive  
organization, inimical to American  
democracy. Thank you.

Sincerely yours,



Box



Phoenix, Ariz.

b6  
b7C

REC'D-CORR. & TOURS  
FBI  
JAN 23 9 07 AM '62

Was it cited as Subversive by some legislative committees? If so,  
what does such a citation signify?



EX-108

REC-72

61-190938

January 25, 1962

Miss [redacted]  
The Massachusetts Federation of Business  
and Professional Women's Clubs  
60 Cabot Street  
Waltham 54, Massachusetts

b6  
b7C

JAN 25 9 26 AM '62  
REC'D-READING ROOM  
FBI

Dear Miss [redacted]

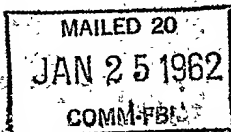
Your letter of January 22, 1962, has been received, and I want to thank you for your kind remarks concerning my administration of the FBI. My associates and I sincerely hope that our future endeavors will merit your continued support and approval.

Unfortunately, while I would like to be of service regarding the matter you discussed, the FBI is an investigative agency of the Federal Government and neither makes evaluations nor draws conclusions as to the character or integrity of any organization, publication or individual. I regret that I am unable to help you and hope that you will not infer in this connection either that we do or do not have data in our files relating to the subject of your inquiry.

In view of your interest, enclosed is some material you may like to read.

Sincerely yours,

J. Edgar Hoover



10 OF 100

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

Enclosures (5)

SEE NOTE AND ENCLOSURES NEXT PAGE

RLR:bsp

(4)

FEB 2 1962

MAIL ROOM ☐

TELETYPE UNIT ☐

*[Handwritten signatures and initials]*

*[Handwritten initials]*

Enclosures

4-17-61 Internal Security Statement  
4-1-61 LEB Introduction  
Faith in God--Our Answer To Communism  
What You Can Do To Fight Communism  
The Communist Party Line

NOTE: Correspondent is not identifiable in Bufiles.

The FBI has never conducted an investigation of the American Civil Liberties Union. It is noted that the Fifth Report of the California Senate Fact-Finding Committee on Un-American Activities (1949) set forth the following: "American Civil Liberties Union: Cited as heavily infiltrated with communists and fellow travelers and frequently following the Communist Party line and defending communists, particularly in its Los Angeles unit. (California Committee on Un-American Activities Report, 1948, pages 108-12)"

In connection with this, it is noted that the 34th Annual Report of the American Civil Liberties Union (For the year 1954) reaffirms the anti-communist and anti-fascist policy of the organization and maintains its intention to defend civil liberties of all persons regardless of any political party, organization, denomination, race or nationality to which an individual may belong.

# The Massachusetts Federation of Business and Professional Women's Clubs



60 Cabot Street,  
Waltham 54, Mass.  
Jan. 22, 1962

Mr. Tolson	
Mr. Belmont	
Mr. Mohr	
Mr. Callahan	
Mr. Conrad	
Mr. DeLoach	
Mr. Evans	
Mr. Malone	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Ingram	
Miss Gandy	

J. Edgar Hoover, Director  
Federal Bureau of Investigation,  
Washington, D. C.

Dear Mr. Hoover:

Would you kindly let me know the present status of the American Civil Liberties Union organization? Within the last few days I attended a seminar - one of the speakers, a very able College Professor, is a member of this organization. I sort of gasped when I read it, as I remember the days when that particular organization was frowned upon - Roger Baldwin was President.

Several years ago I did considerable speaking on the "Dangers of Communism" and at that time had the names of such organizations on my finger tips. Realizing that time changes many things, I wanted to be sure of this group before I said anything.

May I take this opportunity to express my appreciation, and I am sure the gratitude of all good Americans, to you for your dedicated service. I often wonder if there is another person in the Nation who would have the whole-hearted approval of all good citizens, such as you enjoy.



b6  
b7c

EXP. PROC. 1962

EX-108

REC-72

61-190-938

JAN 26 1962

ack-125-62  
RLR-628  
nmml

PRESIDENT MISS M. VIRGINIA MORRISSEY 294 WASHINGTON STREET BOSTON 8, MASS.	FIRST VICE-PRESIDENT MRS. ELEANOR T. M. HARVEY 126 MAIN STREET EASTHAMPTON, MASS.	SECOND VICE-PRESIDENT MISS MADELINE O'FHEILLY 3 BIRCH AVENUE PLYMOUTH, MASS.	RECORDING SECRETARY MISS ALICE O. GRAY 150 WHITWELL STREET QUINCY, MASS.	CORRESPONDING SECRETARY MRS. CATHERINE DONOHUE 6 CAMBRIDGE STREET SALEM, MASS.	TREASURER MRS. MARGARET O. HILL 5 LOONEY AVENUE SALEM, MASS.
---	--	---	---	---	---

F B I

Date: 1/25/62

Transmit the following in \_\_\_\_\_  
(Type in plain text or code)Via AIRTEL AIR MAIL  
(Priority or Method of Mailing)TO : DIRECTOR, FBI  
FROM : SAC, DETROIT (100-New)PROTEST DEMONSTRATION AGAINST  
MILITARY ESTABLISHMENT  
LANSING, MICHIGAN  
1/30/62  
INFORMATION CONCERNING  
(SECURITY MATTER)REC-42 *encl*AMERICAN CIVIL LIBERTIES UNION

Enclosed herewith for the Bureau are 8 copies of a letterhead memo dated and captioned as above.

The Confidential Source is [redacted]  
[redacted], Lansing, Mich., who telephonically contacted  
SA [redacted] Lansing, Mich., RA. 1/25/62.b6  
b7C  
b7D

[redacted] is a former [redacted]

No previous contact has been had with [redacted] who requested that his identity be protected.

G-2, ONI and OSI, Detroit, advised this date. 113th Intelligence Corps Group, Region IV, CIC, Lansing, Mich., advised this date.

This matter will be followed and Bureau advised of pertinent details.

3 - Bureau (Encls 8) (RM)  
1 - DetroitICERM 817  
FJP:kam

(4) 1 copy of encl. destroyed

ENCLOSURE

EX-108

AGENCY *Defense*  
REQ. REC'D *2-2-62*  
DATE FORW. *1-26-62*  
HOW FORW. *By*  
BY *J.H. Smith*

13 JAN 26 1962

Deleted Copy Sent *Charles Patrick*  
by Letter *9/25/75*  
Per FOIA RequestApproved: *50 FEB 5 1962*  
Special Agent in Charge

Sent \_\_\_\_\_ M Per \_\_\_\_\_



UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to  
File No.

Detroit, Michigan  
January 25, 1962

Protest Demonstration Against  
Military Establishment  
Lansing, Michigan  
January 30, 1962

On January 25, 1962, a Confidential Source with whom sufficient contact has not been had to establish reliability, but who is a former member of a law enforcement agency, advised that he was present at a public meeting of the Lansing Branch of the American Civil Liberties Union held at Edgewood Peoples Church, East Lansing, Michigan, on January 22, 1962, at which meeting the film "Operation Correction", described by the Source as a revision of the House Committee on Un-American Activities film "Operation Abolition" was shown.

Following the presentation of the film and the discussion that followed, Dr. Charles D. Larrowe, Professor of Economics, Michigan State University, East Lansing, Michigan, who was the Chairman of the meeting, according to the Source, introduced a speaker who stated that the group he represented, name of speaker and group not audible to Source because of noise of audience, had branches in England, Europe and the principal cities of the United States.

The speaker further stated that he was issuing the call for volunteers to take part in a picket demonstration which is to be directed against military establishments in the Lansing, Michigan, area under the theme of "Protesting the Use of Forces".

The speaker stated that the group he represented had planned a week long demonstration against military establishments, but that it was realized that most people could not devote a full week to picket activities.

61-172-939  
ENCLOSURE

939

**Protest Demonstration Against  
Military Establishment**

Therefore, the date of January 30, 1962, had been selected for the demonstration since this is the anniversary of the assassination of Mahatma Ghandi, the former leader of India. *DEC 1*

The speaker stated that persons wishing to participate in the demonstration could contact a professor at Michigan State University, name not obtained by Source; who would furnish full details.

This document contains neither recommendations nor conclusions of the Federal Bureau of Investigation. It is the property of the Federal Bureau of Investigation and is loaned to your agency; it and its contents are not to be distributed outside your agency.

REC- 91

61-190-940

January 31, 1962

EX-108

Mrs. [redacted]

Indianapolis, Indiana

b6  
b7C

Dear Mrs. [redacted]

Your letter of January 24th has been received.

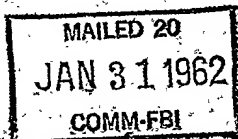
In response to your inquiry, I would like to point out that the film, "Operation Correction," was prepared by the American Civil Liberties Union of northern California. Since this Bureau had no connection with its preparation, I am unable to comment further concerning it.

REC'D-READING ROOM  
JAN 31 3 50 PM '62

Although I would like to be of service, the FBI is strictly an investigative agency of the Federal Government and, as such, does not make evaluations nor draw conclusions as to the character or integrity of any organization, publication or individual. In addition, information in our files must be maintained as confidential through a regulation of the Department of Justice. I hope you will not infer either that we do or do not have the specific data you requested. I am sure you will understand my position in this matter.

Enclosed is some literature dealing with the general subject of communism you may like to read. Perhaps you will also wish to refer to my book, "Masters of Deceit," which relates the story of communism in America and how to fight it. You will probably be able to obtain a copy of it at your local library.

Sincerely yours,



J. Edgar Hoover

John Edgar Hoover  
Director

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

Enclosure

EFT:lm1

(3)

FEB 6 1962

MAIL ROOM

TELETYPE UNIT ☐

(Note and enclosures on next page)



Mrs. [REDACTED]

b6  
b7C

**Enclosures**

**Director's Statement Re Internal Security, 4-17-61**

**The Deadly Contest**

**Director's Criss Award Speech, 12-7-61, The Faith To Be Free**

**The Communist Party Line**

**One Nation's Response to Communism**

**NOTE:** Bufiles contain no record identifiable with the correspondent. Newspaper clippings show that the film, "Operation Correction," was prepared by the American Civil Liberties Union of northern California, using the same documentary footage as the House Committee's film, "Operation Abolition." This new film has a narration by Ernest Besig, Executive Director of the San Francisco ACLU group, who argues that the HCUA film and its narration by Fulton Lewis III were skillfully designed "to create the impression that all who oppose the committee are either Communists or Communist dupes." "Operation Correction," will rent for \$15 and sell for between \$100 and \$125, and is obtainable through the ACLU Office, 503 Market Street, San Francisco, California. (62-106973-A, "San Francisco News-Call Bulletin," 11-30-61; "The New York Times," 1-10-62.)

The "American Challenge" is [REDACTED]

[REDACTED] Birmingham 11, Alabama. This publication has been sent to the Bureau and contains views opposed to the United Nations, UNESCO and the Supreme Court. It has not been investigated by the Bureau.

The "American Capsule News, Inc." is the publisher of a newsletter-type publication edited by Morris A. Bealle, Washington, D. C. Bufiles indicate Bealle is a writer with sensational characteristics, and is critical of most items about which he writes. The Bureau has not investigated this publication, "American Capsule News."



TRUE COPY

Jan. 24, 1962

Dear Mr. Hoover,

I have two questions for my peace of mind, not for any organizations.

1. Are the organizations that publish "American Challenge" or "Capsule News," anti-American? I have seen the same thing in publications that I know is alright. It is just I don't know any thing about them.

2. Who made the film "Operation Correction?" Is it an old or new film? "The Today Show" had it on to tear down "Operation Abolition." I believe this is the points in the film.

A. Policeman did not have a heart-attack. It was exhaustion.

B. Who is this man [redacted]?

C. Bridges there sixteen days after the riot.

D. Why did the police use the water hose?

E. Singing hymns from the South.

b6  
b7c

What is The Today Show trying to prove? I know "Operation Abolition" is still being shown, but you don't hear as much as you use to. Why has the opposite side shown their film now? Do you have a document "Operation Correction?" Thank you very much.

Yours truly,

Mrs. [redacted]

[redacted]  
Indianapolis, Ind.

REC-91

61-190-940  
FEB 1 1962

X-10

nmh  
1 to 1-29-62 lml  
ack 1-31-62  
EFT: lml

Jan. 24, 1962

Dear Mr. Hoover,

I have two questions for my peace of mind, not for any organizations.

1. Are the organizations that publish "American Challenge" and "Capsule News" anti-American? I have seen the same thing in publications that I know is alright. It is just I don't know any thing about them.

2. Who made the film "Operation Correction?" Is it an old or new film? "The Today Show" had it on the "Tear down" Operation Abolition." I believe this is the points in the film.

a. Policeman did not have a heart-attack. It was exhaustion.

b. Who is this man ?

c. Bridges these sixteen days after the riot.

d. Why did the police use the water hose?

CONFIDENTIAL

b6  
b7c

File  
1-29-62  
1-31-62  
EFT:ml

E- Singing Hymns from the South.  
What is the Today Show trying to prove?  
I know "Operation Abolition" is still  
being shown, but you don't hear as  
much as you use to. Why has the  
opposite side shown their film now?  
Do you have a document "Operation  
Correction?" Thank you very much.

Yours Truly,



Indianapolis, Ind.

b6  
b7c

JUN 29 3 52 AM '62

REC'D-CORR. & TOURS  
FBI

1-29-62

REC-33  
EX-107

61-190-941

January 31, 1962

Mr. [redacted]  
[redacted]

b6  
b7C

Wichita 8, Kansas

Dear Mr. [redacted]

Your postal card of January 23, 1962, has been received, and the interest which prompted you to write is appreciated. Thank you also for your best wishes.

Although I would like to be of service, the FBI is an investigative agency of the Federal Government and, as such, does not make evaluations nor draw conclusions as to the character or integrity of any organization, publication or individual. I regret that I am unable to help you and hope you will not infer in this connection either that we do or do not have data in our files relating to the subject of your inquiry.

Enclosed is some literature dealing with the general subject of communism which may be of interest.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

MAILED 20  
JAN 31 1962  
COMM-FBI

REC'D-READING ROOM  
FBI

JAN 31 12 26 PM '62

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

Enclosures (4) Communist Illusion and Democratic Reality  
The Communist Party Line  
Director's speech 12-7-61 "The Faith To Be Free"  
One Nation's Response to Communism

SEE NOTE NEXT PAGE

DCL:lc\* (3)

MAIL ROOM ☐

TELETYPE UNIT ☐

50 FEB 6 1962

RECEIVED-DIRECTOR

2011

RECEIVED

RECEIVED

Mr.

b6  
b7C

NOTE: Bufiles contain no record of the correspondent. The FBI has never conducted an investigation of the American Civil Liberties Union. It is noted that the Fifth Report of the California Senate Fact-Finding Committee on Un-American Activities (1949) set forth the following: "American Civil Liberties Union: Cited as heavily infiltrated with communists and fellow travelers and frequently following the Communist Party line and defending communists, particularly in its Los Angeles unit." (California Committee on Un-American Activities Report, 1948, pages 108-12)

In connection with this, it is noted that the 34th Annual Report of the American Civil Liberties Union (for the year 1954) reaffirms the anticommunist and antifascist policy of the organizations and maintains its intention to defend civil liberties of all persons regardless of any political party, organization, denomination, race or nationality to which an individual may belong.

TRUE COPY

[Redacted]

Wichita 8, Kansas

1-23-62

Dear Sir:

b6  
b7C

Is it true that the American Civil Liberties  
Union who are presently attacking the validity of the  
interpretation of the film "Operation Abolition" have no  
record whatsoever of "liberal" or "left" leanings and are  
not in any way a subversive organization? Please send  
literature or advise of some which does list their head  
members and their organization. Thank you and God  
Bless you for your work -

/s/

[Redacted]

22

Ack  
1-31-62  
DCL:hc  
mmk

1 True Copy  
1-29-62  
col

REC-33  
EX-107

61-190-947 J del  
25 FEB 1 1962

Revised: 1-23-62

WICK: 7-5-4-50545

Is it true that the American Civil Liberties Union who are presently attacking the validity of the interpretation of the film "Operation Abolition" have no regard whatsoever of "liberal" or "left" leanings and are not in any way a self-serving organization? Please send literature or advise of same which does list their head members and their organizations. Thank you and God Bless you for your work-

b6  
b7c

A-K  
1-31-62  
1-29-62

1-TC  
1-29-62 cal

January 31, 1962

REC-91

61-190-942

EX-107

Mrs. [REDACTED]

Lufkin, Texas

b6  
b7C

JAN 31 3 51 PM '62  
REC'D-READING ROOM  
FBI

Dear Mrs. [REDACTED]

Your letter of January 24th has been received, and I appreciate the interest prompting you to write.

As neither of the films you mentioned was prepared by the FBI, it is not possible for me to be of assistance. You may wish to direct your inquiry to the U. S. House of Representatives Committee on Un-American Activities which is located in Room 225, Old House Office Building, Washington 25, D. C. I regret I am unable to be of further help to you.

Enclosed is some literature concerning the general topic of communism which may be of interest to you.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

MAILED 20

JAN 31 1962

COMM-FBI

Enclosures (3)

4-17-61 Internal Security statement  
What You Can Do to Fight Communism  
The Communist Party Line

NOTE: No derogatory information was located concerning correspondent in Bufiles nor any further identifying information. The Bureau is aware of the film, "Operation Correction" which uses the same pictures as "Operation Abolition" but has a different narration. It was produced by the American Civil Liberties Union which has headquarters in New York City and has not been investigated by the Bureau.

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

JH:brd (3)

MAIL ROOM ☐

TELETYPE UNIT ☐

50 FEB 7 1962



TRUE COPY

[Redacted]  
Lufkin, Texas  
Jan. 24, 1962

Mr. J. Edgar Hoover  
Director of the Federal Bureau of Investigation  
Department of Justice  
Washington, D. C.

Dear Mr. Hoover,

I am sure you are aware of the American Civil Liberties Union's new version of the film Operation Abolition which they've renamed Operation Correction and changed only the narration so as to give a completely reversed story of the film. I understand you indorsed the House Committee's version of the film and have seen the film several times.

b6  
b7c

This morning on the television show Today the very slanted Civil Liberties film was shown and the Civil Liberties Union was highly praised by the star of the Today show and the impression was the House film is wrong and underhanded and anyone who agrees with them are wrong.

How can they get away with this? If the House Committee's version is correct ( and I believe it is) what can be done to stop these "leftist" from smearing them?

I notice that national television did not show Operation Abolition until the Civil Liberties Union came out with their version. Isn't there any thing any one can do about their twisting the meaning of the film? Are we just going to loose this cold War?

I can not believe I am seeing events take place as I am seeing them. It is too fantastic.

Sincerely,

Mrs. [Redacted]

*nmml*  
*aeb 1-31-62*  
*JH/ma*

*1 + c*  
*1-30-62*  
*new*

*JH*

b6  
b7c

Lufkin Texas

Jan. 24, 1962

Mr. Tolson	
Mr. Belmont	
Mr. Mohr	
Mr. Callahan	
Mr. Conrad	
Mr. DeLoach	
Mr. Evans	
Mr. Malone	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Ingram	
Miss Gandy	

Mr. J. Edgar Hoover

Director of the Federal Bureau of Investigation  
Department of Justice  
Washington, D.C.

Dear Mr. Hoover,

I am sure you are aware of the American Civil Liberties Union's new version of the film Operation Abolition which they've renamed Operation Correction and changed only the narration so as to give a completely reversed story of the film. I understand you indexed the House Committee's version of the film and have seen the film several times.

EXP-36  
JAN 29 1962  
PRO-36

REC-91  
EX-107

61-190-942

2-2

22 JAN 29 1962

CORRECTION

Oct 1-31-62  
JH/mew

14c  
1-30-62

This morning on the television show Today the very slanted Civil Liberties film was shown and the Civil Liberties Union was highly praised by the star of the Today show and the impression was the House film is wrong and underhanded and anyone who

...agrees with them are wrong.

How can they get away with this?  
If the House Committee's version is correct (and I believe it is) what can be done to stop these "leftist" from smearing them?

I notice that national television did not show Operation Abolition until the Civil Liberties Union came out with their version. Isn't there any thing any one can do about their twisting the meaning of the film? Are we just going to loose this Cold War?

I can not believe I am seeing events take place as I am seeing them. It is too fantastic.

b6  
b7c

Sincerely,

Mrs.

61 190 943

January 30, 1962

EX-108

JAN 30 3 51 PM '62  
REC'D-READING ROOM  
FBI

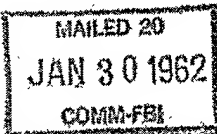
Mr. Patrick Murphy Malin  
Executive Director  
American Civil Liberties Union  
156 Fifth Avenue  
New York 10, New York

Dear Mr. Malin:

Your letter of January 24, 1962, has been received in Mr. Hoover's absence from the city, and I know he would want me to thank you for sending the copy of your 41st Annual Report you enclosed. You can be sure it will be brought to his attention upon his return.

Sincerely yours,

Helen W. Gandy  
Secretary



NOTE: Bufiles reflect cordial correspondence in the past with Malin however, the American Civil Liberties Union (ACLU), a liberal organization, has done considerable sniping at the Bureau mainly regarding wire tapping. In view of the fact that Malin is leaving the ACLU and desires the Director's comments concerning his group's 41st Annual Report, it is deemed appropriate to let the above in-absence reply serve as the only acknowledgement to his letter. A cursory examination of the Report disclosed three references to the FBI on pages 11, 18 and 62, none of which are unfavorable.

olson  
Belmont  
Mohr  
Callahan  
Conrad  
DeLoach  
Evans  
Malone  
Rosen  
Sullivan  
Tavel  
Trotter

BS:ipp

MAIL ROOM ☒ TELETYPE UNIT ☐

# BOARD OF DIRECTORS

Ernest Angell  
Lyle B. Borst  
Ralph S. Brown, Jr.  
Edward J. Ennis  
Osmond K. Fraenkel  
Walter Frank  
Lewis Galanter  
Walter Gellhorn  
Louis M. Hacker  
August Hecksher  
Frank S. Horne  
B. W. Huebsch  
Sophia Yarnall Jacobs  
John Paul Jones  
Dorothy Kenyon  
Dan Lacy  
Harry C. Meserve  
Edward O. Miller  
Walter Millis  
James O'Gara  
Gerard Piel  
Elmer Rice  
George Soll  
J. Waties Waring  
Howard Whiteside  
Edward Bennett Williams

# NATIONAL COMMITTEE

**Chairman**  
Francis Biddle (D.C.)

**Vice Chairmen**  
Pearl S. Buck (Penna.)  
Howard F. Burns (Ohio)  
Prof. Albert Sprague Coolidge (Mass.)  
Prof. J. Frank Dobie (Texas)  
Lloyd K. Garrison (N.Y.)  
Dr. Frank P. Graham (U.N.)  
Palmer Hoyt (Colo.)  
Dr. Karl Menninger (Kans.)  
Loren Miller (Calif.)  
Morris Rubin (Wisc.)  
Lillian E. Smith (Ga.)

Mrs. Sadie Alexander (Penna.)  
J. Garner Anthony (Hawaii)  
Thurman Arnold (D.C.)  
Clarence E. Ayres (Tex.)  
Roger N. Baldwin (N.Y.)  
Alan Barth (D.C.)  
Dr. Sarah Gibson Blanding (N.Y.)  
Catherine Drinker Bowen (Penna.)  
Prof. Julian P. Boyd (N.J.)  
Van Wyck Brooks (Conn.)  
John Mason Brown (N.Y.)  
Prof. James R. Caldwell (Calif.)  
Dr. Robert K. Carr (Ohio)  
Prof. Allan Knight Chalmers (Mass.)  
Stuart Chase (Conn.)  
Grenville Clark (N.H.)  
Dr. Rufus E. Clement (Ga.)  
Prof. Henry Steele Commager (Mass.)  
Prof. George S. Counts (Pa.)  
Prof. Robert E. Cushman (D.C.)  
Melvyn Douglas (N.Y.)  
Prof. Thomas H. Eliot (Mo.)  
Victor Fischer (Alaska)  
Walter T. Fisher (Ill.)  
James Lawrence Fly (Fla.)  
Prof. Ralph F. Fuchs (Ind.)  
Prof. Willard E. Goslin (Tenn.)  
Prof. Mark DeW. Howe (Mass.)  
Quincy Howe (N.Y.)  
Dr. Robert M. Hutchins (Calif.)  
Gerald W. Johnson (Md.)  
Dr. Mordecai W. Johnson (D.C.)  
James Kerney, Jr. (N.J.)  
Benjamin H. Kizer (Wash.)  
Mrs. Agnes Brown Leach (N.Y.)  
Max Lerner (N.Y.)  
Prof. Robert S. Lynd (N.Y.)  
Prof. Robert Mathews (Ohio)  
Prof. Wesley H. Maurer (Mich.)  
Dr. Millicent C. McIntosh (N.Y.)  
Dr. Alexander Meiklejohn (Calif.)  
Sylvan Meyer (Ga.)  
Donald R. Murphy (Iowa)  
Dr. J. Robert Oppenheimer (N.J.)  
John B. Orr, Jr. (Fla.)  
Bishop G. Bromley Oxnam (N.Y.)  
James G. Patton (Colo.)  
A. Philip Randolph (N.Y.)  
Elmo Roper (N.Y.)  
Prof. Arthur Schlesinger, Jr. (D.C.)  
Dr. Edward J. Sparling (Ill.)  
Prof. George R. Stewart (Calif.)  
Mrs. Dorothy Tilly (Ga.)  
Jose Trias-Monge (Puerto Rico)  
Stanley Weigel (Calif.)  
William L. White (Kans.)  
Aubrey Williams (Ala.)  
Marion A. Wright (N.C.)  
Dean Benjamin Youngdahl (Mo.)

# American Civil Liberties Union

Founded 1920  
Incorporated

156 FIFTH AVENUE, NEW YORK 10, N. Y. • OREGON 5-5990

Ernest Angell <i>Chairman, Board of Directors and the Corporation</i>	Ralph S. Brown Sophia Yarnall Jacobs <i>Vice-Chairmen</i>	Edward J. Ennis Osmond K. Fraenkel <i>General Counsel</i>	Dorothy Kenyon <i>Secretary</i> B. W. Huebsch <i>Treasurer</i>	Morris Ernst John Haynes Holmes Norman Thomas <i>Directors Emeritus</i>
Patrick Murphy Malin <i>Executive Director</i>	Alan Reitman <i>Associate Director</i>	Rowland Watts <i>Legal Director</i>	Marie M. Runyon <i>Membership Director</i>	Louise C. Boyd <i>Administrative Assistant</i>
Roger N. Baldwin <i>International Work Adviser</i>	Dorothy Dunbar Bromley <i>Assistant Director</i>	Melvin L. Wolf <i>Asst. Legal Director</i>	Lillian Mate <i>Membership Secretary</i>	Leanne Golden <i>Executive Assistant</i>

January 24, 1962

Mr. J. Edgar Hoover  
Federal Bureau of Investigation  
Justice Department  
Washington, D.C.

Dear Mr. Hoover:

The American Civil Liberties Union's 41st Annual Report has just been published, and I am enclosing a copy for your information. Even though the pressure of time may not make it possible for you to read the entire report, we hope you may be able to read the introductory statement. This statement expresses the civil libertarian's concern that the growth of governmentalization and militarization, so understandable because of the pressures of international affairs, will make inroads into our traditional freedoms, and offers guidelines to curb this danger.

Our comment is made in the context of understanding the tight interconnection between the maintenance and advance of human liberty in our nation and the preservation of freedom throughout the world. This has been the operating principle which has motivated the Union during its history and will, I am sure, continue under my successor, John de J. Pemberton Jr., who assumes his duties on April 1.

I want to extend our appreciation for the interest that you have shown in our views on civil liberties matters, and we would be pleased to receive any comment you care to make on the enclosed report.

Your sincerely,

Patrick Murphy Malin  
Executive Director

ENCLOSURE

EX-108

61-190-943

Act. 1-30-62  
BS:jpp

JAN 25 1962

10 FEB 5 1962

41<sup>st</sup>

ANNUAL REPORT

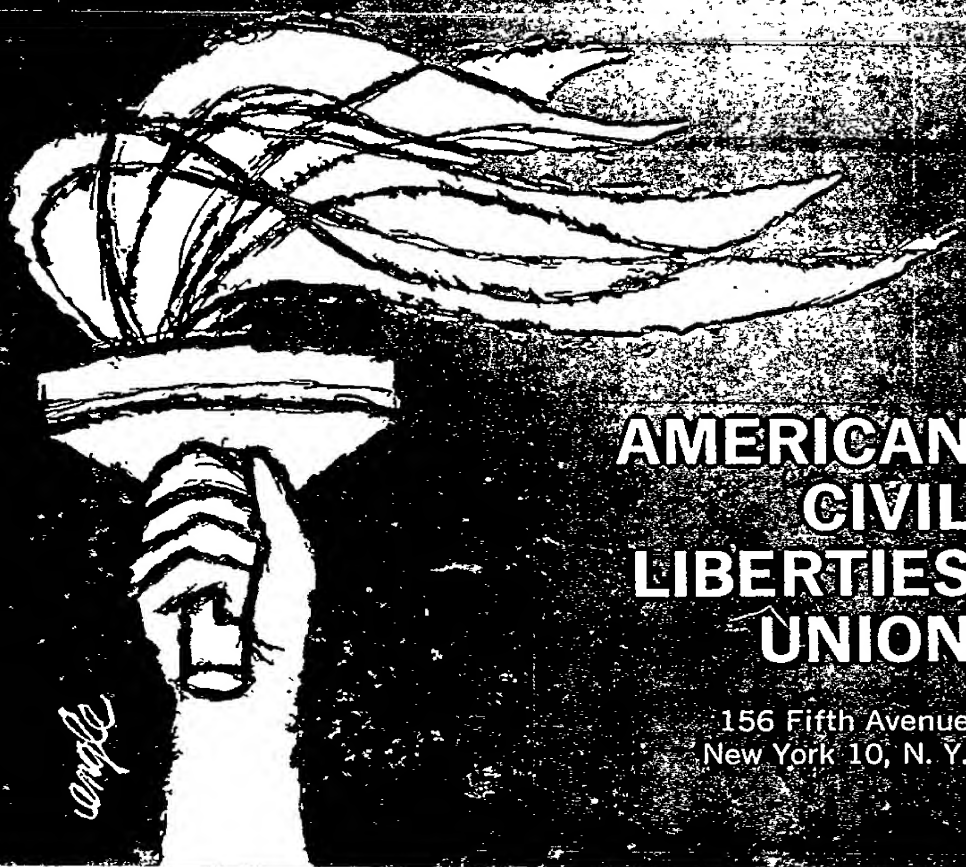
July 1, 1960

To June 30, 1961

DEFENSE OF THE BILL OF RIGHTS

205-261-19

# “Testing Whether That Nation”



**AMERICAN  
CIVIL  
LIBERTIES  
UNION**

156 Fifth Avenue  
New York 10, N. Y.

## Board of Directors

*Chairman*—Ernest Angell  
*Vice Chairmen*—Ralph S. Brown, Jr., Mrs. Sophia Yarnall Jacobs  
*General Counsel*—Edward J. Ennis, Osmond K. Fraenkel  
*Secretary*—Dorothy Kenyon  
*Treasurer*—B. W. Huebsch  
*Directors Emeritus*—Morris L. Ernst, John Haynes Holmes, Norman Thomas

Daniel Bell  
 Lyle B. Borst  
 John F. Finerty  
 Walter Frank  
 Lewis Galantiere  
 Walter Gellhorn  
 Julian E. Goldberg

Louis M. Hacker  
 August Heckscher  
 Frank S. Horne  
 John Paul Jones  
 Dan Lacy  
 Harry C. Meserve  
 Edward O. Miller

Walter Millis  
 James O'Gara  
 Gerard Piel  
 Elmer Rice  
 George Soll  
 J. Waties Waring  
 Howard Whiteside  
 Edward Bennett Williams

## National Committee

*Chairman*—Francis Biddle  
*Vice-Chairmen*—Pearl S. Buck, Howard F. Burns, Albert Sprague Coolidge, J. Frank Dobie, Lloyd K. Garrison, Frank P. Graham, Palmer Hoyt, Karl Menninger, Loren Miller, Morris Rubin, Lillian E. Smith

Mrs. Sadie Alexander  
 J. Garner Anthony  
 Thurman Arnold  
 Prof. Clarence E. Ayres  
 Roger N. Baldwin  
 Alan Barth  
 Dr. Sarah Gibson Blanding  
 Catherine Drinker Bowen  
 Prof. Julian P. Boyd  
 Van Wyck Brooks  
 John Mason Brown  
 Prof. James R. Caldwell  
 Prof. Robert K. Carr  
 Prof. Allan Knight Chalmers  
 Stuart Chase  
 Grenville Clark  
 Dr. Rufus E. Clement  
 Prof. Henry Steele Commager  
 Prof. George S. Counts  
 Prof. Robert E. Cushman

Melvyn Douglas  
 Prof. Thomas H. Eliot  
 Victor Fischer  
 Walter T. Fisher  
 James Lawrence Fly  
 Prof. Ralph F. Fuchs  
 Prof. Willard E. Goslin  
 Prof. Mark DeW. Howe  
 Quincy Howe  
 Dr. Robert M. Hutchins  
 Gerald W. Johnson  
 Dr. Mordecai W. Johnson  
 James Kerney, Jr.  
 Benjamin H. Kizer  
 Mrs. Agnes Brown Leach  
 Max Lerner  
 Prof. Robert S. Lynd  
 Prof. Robert Mathews  
 Prof. Wesley H. Maurer

Dr. Millicent C. McIntosh  
 Dr. Alexander Meiklejohn  
 Sylvan Meyer  
 Donald R. Murphy  
 Dr. J. Robert Oppenheimer  
 John B. Orr, Jr.  
 Bishop G. Bromley Oxnam  
 James G. Patton  
 A. Philip Randolph  
 Elmo Roper  
 Prof. Arthur Schlesinger, Jr.  
 Dr. Edward J. Sparling  
 Prof. George R. Stewart  
 Mrs. Dorothy Tilly  
 Jose Trias-Monge  
 Stanley Weigel  
 William L. White  
 Aubrey Williams  
 Marion A. Wright  
 Dean Benjamin Youngdahl

## National Executive Staff

*Executive Director*—Patrick Murphy Malin  
*Associate Director*—Alan Reitman  
*Legal Director*—Rowland Watts  
*Assistant Director*—Mrs. Dorothy Dunbar Bromley  
*Membership Director*—Mrs. Marie M. Runyon  
*International Work Adviser*—Roger N. Baldwin  
*Washington Office Director*—Lawrence Speiser  
 (1612 Eye Street, N.W., Washington, D.C.)  
 Telephone: MEtropolitan 8-6602)

*Assistant Legal Director*—Melvin L. Wulf  
*Executive Assistants*—Mrs. Louise C. Floyd, Leanne Golden, Mrs. Lillian F. Mate,  
 Mrs. Julie Barrows  
*Staff Associate*—Jeffrey E. Fuller

## TABLE OF CONTENTS

<b>"TESTING WHETHER THAT NATION"</b> .....	2
by Patrick Murphy Malin .....	
<b>FREEDOM OF BELIEF, EXPRESSION AND ASSOCIATION</b> .....	6
The General Censorship Scene .....	6
1. Books and Magazines .....	6
2. Motion Pictures .....	12
3. Radio and TV .....	15
4. Access to Government News and Public Records .....	17
Academic Freedom .....	18
1. Federal, State and Local Issues .....	18
2. Pressures Arising from the Integration Conflict .....	24
Religion .....	25
1. Church and State: Education .....	25
2. Church and State: The General Public .....	29
3. Problems of Conscience and Religious Freedom .....	31
General Freedom of Speech and Association .....	31
1. Right of Movement .....	31
2. The Vote: Minority Parties and the Right to Franchise .....	32
3. Right of Assembly in Public Facilities .....	34
4. State and Local Controls .....	36
5. Congressional Action .....	37
Labor .....	44
<b>EQUALITY BEFORE THE LAW</b> .....	46
The Federal Scene .....	46
State and Local Action .....	48
General Developments .....	50
<b>DUE PROCESS UNDER LAW</b> .....	55
Federal Executive Departments .....	55
1. Citizenship, Naturalization, Deportation .....	55
2. Confinement of Mentally Ill .....	57
3. Loyalty and Security .....	58
4. Military Justice .....	59
Wiretapping .....	60
Illegal Police Practices .....	61
Court Proceedings .....	65
<b>INTERNATIONAL CIVIL LIBERTIES</b> .....	70
<b>ACLU AFFILIATES</b> .....	73
<b>STATE CORRESPONDENTS</b> .....	75
<b>MEMBERSHIP AND FINANCES</b> .....	76



# "TESTING WHETHER THAT NATION"

BY PATRICK MURPHY MALIN

*"This conjunction of an immense military establishment and a large arms industry is new in the American experience. The total influence—economic, political, even spiritual—is felt in every city, every state house, every office of the federal government.*

*"We recognize the imperative need for this development. Yet we must not fail to comprehend its grave implications. Our toil, resources and livelihood are all involved; so is the very structure of our society.*

*"In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.*

*"We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together."* (ex-President Eisenhower's farewell address, January 17, 1961)

*"Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it."* (Judge Learned Hand, January 27, 1872-August 18, 1961)

---

"Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, *testing whether that nation*, or any nation, so conceived and so dedicated, can long endure." (Lincoln would forgive the emphasis.)

That new nation was not immaculately conceived in liberty, or really dedicated to the proposition that all women and Negroes were created equal with men and whites! But, at its bringing forth, it was indeed closer to the ideal than any other nation brought forth before or since.

Good luck played a large part. Except for the Indians, the American continents were "undeveloped" until the Renaissance, the Reformation and the English Revolution had come to Europe. And the Declaration of Independence significantly came the same year as the publication of Adam Smith's "Inquiry into the Nature and Causes of the Wealth of Nations"—near the beginning of the Industrial Revolution. Space, newness, freedom, power.

But good management—and much else—played a large part, too. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That

*to secure these rights*, governments are instituted among men, deriving their just powers *from the consent of the governed* . . . And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other *our lives, our fortunes, and our sacred honor*." (Jefferson might well have emphasized those very words.)

Now we are engaged in a great global struggle, again testing whether that nation—whose government was instituted to secure those rights and founded on the consent of the governed—can long endure. And, whatever else is uncertain, this is sure: it will not endure unless we in our generation once more mutually pledge to each other our lives, our fortunes, and our sacred honor.

Last Wednesday (except for a few corrections, this introduction was written on Labor Day), Premier Khrushchev announced that the Soviet Union would resume nuclear-weapon tests, and has already carried out several. The resumption, he has told visiting left-wing British parliamentarians, is meant to "shock" the western powers into "negotiations" on Berlin. There and elsewhere, he evidently plans to get as much as possible of what Russia wants by trading on the fears of all those people everywhere who can be pressured into accepting the Soviet position. But President Kennedy has now announced the resumption of American (non-fallout) tests. Dictators always underestimate those who—for various reasons and by various methods of resistance—would risk death rather than submission.

It is a sign of the times that the chief immediate political fallout has hit the Belgrade conference of the "nonaligned" countries. Whatever or wherever they are, none of them can wholly avoid the dangers of nuclear war—or even of less horrible kinds of conflict—between the two far-flung camps of "aligned" countries. In this year when men have begun to orbit the earth, there is "no hiding-place down here."

There never has been any *moral* hiding-place for the man of "sense and sensibility" (if one may, at this late date, make more of Jane Austen's title than she intended). There has never been, for such a man, the need to "send to know for whom the bell tolls" (if one may, in dateless wisdom, dare to say once more exactly what John Donne and Ernest Hemingway—angels and ministers of grace defend both of them!—intended). The bell tolls now, most of all and more than ever before, for every American citizen, as a special guardian of civil liberties—for himself and all his fellow citizens in this free land where their lot is cast, and for all people everywhere else in lands of less good luck or less good management.

Our nation—that "new nation" of 1776, which in its worst-and-best moment of 1861-65 demanded "the last full measure of devotion" from 600,000 of its excellent young men—is now the leader of one of the world's two struggling coalitions. As such, it is creating what ex-President Eisenhower has authoritatively called "this conjunction of an immense military establishment and a large arms industry . . . new in the American experience." What will this do, in his words, to "the very structure of our society"? Can we, while working for the victory

of our coalition, also live so as to insure that it is in truth a victory for a nation—and a world—of liberty and justice and equality?

The growing pressure of "the garrison state" will be so omnipresent and so relentless that it will require, in the defense of civil liberties, much more sophistication and stamina than ever before. This is something which threatens far more people far more directly and far more deeply than the violation of the free speech of those who opposed the entry of the United States into World War I, or of those who sought to organize labor unions in the 1920's. It will be part of a purpose so high-minded, and in a world-wide contest with stakes so high and unimaginable destruction so near, that it will make the House Un-American Activities Committee and the Smith Act and the John Birch Society, by comparison, only childish tantrums.

Because what faces us is—plainly and simply, however necessary—the governmentalization and militarization (even where civilians are in command) of broad stretches of our life, from top to bottom. The citizen's control over elected and appointed officials (municipal and state, not just federal) will be cut back, the areas of private decision by individuals and groups of all sorts will be narrowed; business and labor, science and education, will be told what to do. By good luck or good management or both, we may be able to prevent the extremes of totalitarianism and tyranny; but, to do so, we can rely less than ever on good luck and must more than ever exercise good management.

In the field of free speech, good management will require those who defend free speech to understand that there are far more vital matters than the precise legal definition of obscenity. For example: helping President Kennedy and Secretary of Defense McNamara and Senator Fulbright to keep the military establishment from officially promoting any view—any view at all—about medical care for the aged! Or: helping newspaper publishers and editors and reporters to give as many citizens as possible every last bit of information about governmental operations (the C.I.A. in Cuba and the school board in New York) which can be published without rushing officials into ill-considered decisions or imperiling national security interests (realistically defined).

Those who defend educational freedom will need to understand that in addition to the precise wording of a loyalty oath there are other vital matters. For example: helping to see that the inevitable large governmental investment in the direly-needed expansion of public and private facilities and teaching staffs is accomplished with the minimum of regimentation—and without the irreparable tear in the national fabric which (as this year has graphically shown) would be caused if coercion and maneuver and compromise lead to governmental *support of religion*, in this country which has done wonders for its national unity (as well as the freedom of the human mind and spirit) by avoiding governmental *restriction on religion*.

To defend due process will require active attention to problems other than upholding the guarantees of the Fifth Amendment. For example: helping law-enforcement agencies, as they combat for all of us the hideous problems of local violence and interstate gangsterism, to avoid violating the rights of innocent citizens—especially among the

poor, in a world where our nation needs to win the war for all men's minds. Or: helping the military services to improve the code of military justice to make it more nearly consonant with a large non-professional army of citizens, serving a country committed to justice. Or: helping to develop a code of practice for administrative agencies which will provide the farmer or businessman or labor leader, increasingly controlled by their regulations, with fair hearing and adequate review.

Rapid elimination of racial discrimination (still the worst disfigurement on the face which we see in the mirror, and show to the new nations of today) will require more than Freedom Rides. In the South, the outstanding present needs are for the Negro citizens to make the most of every opening there is for voting, and for the white businessmen in all cities to emulate their fellows in Dallas and Atlanta in bringing about school desegregation. In the North, the outstanding need is for state and municipal action against discrimination in employment and housing. South and North, the foes of discrimination—while saddened by continuing failure in federal legislation (except for the extension of the Civil Rights Commission's life) and gladdened by the increasing efforts of the Department of Justice and the President's Committee on Equal Employment opportunity (and the protocol office of the State Department!)—must not neglect what can be done nearby, privately as well as governmentally.

Because, in every field, the testing of our nation will in the last analysis take place, as Judge Hand said, "in the hearts of men and women"—where liberty must live if a free nation of free people is long to endure.

---

This report was written by Mitchel Levitas, a New York newspaperman, and supervised and edited by Alan Reitman, our associate director. Within space limitations, the report reviews the significant civil liberties actions taken during the July 1, 1960 - June 30, 1961 period—not only by the Union but other organizations as well as individuals.

Legal citations are not provided, only because of lack of space, but all information about a particular case available to the Union will be supplied on request.

---

On leaving the ACLU staff after twelve years, I want to express my deepest gratitude to all who have made the Union what it is, and my deepest confidence in its future work. My wife and I will do all we can to apply its principles in our new job in the president's office and home at the American Colleges in Istanbul.

# FREEDOM OF BELIEF, EXPRESSION AND ASSOCIATION

## THE GENERAL CENSORSHIP SCENE

### 1. Books and Magazines

**THE COURTS.** The U.S. Supreme Court criticized the indiscriminate seizure of 280 newsstand publications by Kansas City police, warning that warrants for the confiscation of obscene material must contain sufficient safeguards to protect non-obscene publications. Although a local judge found 100 of the magazines and books to be obscene the high court noted that 180 other publications had been suppressed and withheld from the market for more than two months. The procedure, said the unanimous opinion, lacked due process safeguards "to assure non-obscene material the constitutional protection to which it is entitled." The opinion, which reversed a judgment against a wholesale newsdealer and five retail stand operators, also pointed out that the warrants had been issued by a single policeman, "without any scrutiny by a judge of any materials considered to be obscene."

The high court also heard argument on the constitutionality of an Ohio law that brands mere possession of obscene literature or photographs as a crime. In a friend-of-the-court brief filed by the ACLU and its Ohio affiliate, the statute was challenged as a violation of the privacy of the individual, guaranteed by the Fourth and Fourteenth Amendments. In addition, said the Union, to make a crime out of the mere possession of material is beyond the scope of legislation. Legislators may properly attempt to prevent overt, anti-social behavior, but "it has never been demonstrated that there is any relationship, direct or remote, between the possession of obscene literature and depravity or overt anti-social conduct. . . . The right to read, if it is to have any meaning at all, must include the right to possess literature as well." During argument on the appeal, brought by Mrs. Dollree Mapp of Cleveland, the justices indicated they were skeptical of the law's broad scope. Justice Frankfurter referred to the fact that the law does not exempt university libraries, scholars or bibliophiles with a predilection like Mark Twain's "who was one of the biggest collectors" of such literature in his day.

Despite the major attention given the mere possession point, the high court reversed Mrs. Mapp's conviction on the grounds that the search by police officers, acting without a warrant, violated her right of privacy under the Fourth Amendment. The significance of the opinion, which ruled out the admissibility of illegally seized evidence in state criminal trials, is fully discussed on p. 65.

The U.S. Supreme Court refused to hear an appeal from a lower court decision which held unconstitutional Maryland's anti-obscenity law (*See last year's Annual Report, p. 7*). The U.S. Fifth Circuit Court of Appeals, in an order similar to the high court verdict in the Kansas City case, ordered police to return 5,000 magazines seized by police from a New Orleans distributor. The order also did not deal with the

constitutionality of the state law permitting the raids, but suggested that another statute might be enacted which would not restrict the public to reading innocuous publications.

**U.S. POST OFFICE CENSORSHIP.** The ACLU congratulated President Kennedy on ending 21 years of censorship of foreign political material by the Post Office and Customs Bureau, a practice long fought by the Union in the courts, in the governmental agencies and in Congress. This belated recognition of the freedom guaranteed by the First Amendment, said the Union in a letter to the President, "demonstrates faith not only in our constitutional guarantees but in the people themselves to shape their own political judgments without the aid of government censors." In the announcement ending the program, under which annually 15 million pieces of mail from Communist countries were confiscated, President Kennedy said it served no useful intelligence purpose. He said that the State, Justice, Treasury and Post Office Departments had unanimously urged elimination of the practice, along with the planning board of the National Security Council under the Eisenhower administration. On the morning that the ban was lifted Justice Department lawyers were scheduled to reply to a court challenge of the program brought by the Illinois Division of the ACLU on behalf of a Chicago bookstore and a Chicago sociologist (*See last year's Annual Report, pp. 8-9*). The ACLU of Southern California also had a suit pending testing the constitutionality of intercepting foreign mail.

A suit challenging the censorship authority of the Customs Bureau was mooted when the Justice Department lifted a 30-year ban on the importation of Henry Miller's classic, *Tropic of Cancer*. Previously, the Post Office Department had dropped a complaint against a publisher who openly defied the Department by publishing an edition of the novel in the United States. Post Office officials made their move on advice of Justice Department attorneys who said the complaint probably would not stand up in court in view of last year's court ruling clearing *Lady Chatterley's Lover* of obscenity charges. *Tropic of Cancer's* alleged pornography was also an issue before a Massachusetts Superior Court in a suit brought by the Attorney General on recommendation of the state's Obscene Literature Control Commission. At a public hearing before the Commission, the Civil Liberties Union of Massachusetts opposed the attempt to ban the book, noting that the First Amendment protects not only unorthodox and controversial ideas, but also opinions offensive to prevailing trends. *Tropic of Cancer* was under attack in numerous communities and was banned in 57 cities and two states.

The "capricious and unintelligent"—as well as the secret and extra-legal—standards employed by the Customs Bureau in seizing books was scored by the Union in a letter to Secretary of the Treasury Douglas C. Dillon. The criticism was prompted by the Bureau's confiscation for three months of three volumes brought to the United States by a returning American tourist. Two of the three books held without cause were available and printed in the U.S.: Laurence Durrell's *The Black Book* and three Samuel Beckett short stories. The ACLU told Dillon that despite the legal requirement that seized literature must

be taken before a Federal District Court for formal proceedings "the Bureau of Customs presumes to seize a large number of books which have never been adjudicated to be obscene and . . . has arrogated to itself the authority . . . to declare in some mysterious fashion that they are or are not obscene. The time for clarifying instruction has now come," declared the ACLU. Two ACLU affiliates also aided persons whose imports were confiscated by Customs officials. The ACLU of Washington advised a man whose copy of *Naked Lunch* was seized in Seattle and the Greater Philadelphia Branch obtained the release of five nude photographs ordered by a medical student.

**ACTION IN THE STATES.** The Indiana and Missouri Supreme Courts ruled their state obscene literature laws unconstitutional for the reason laid down by the U.S. Supreme Court in the *Smith* case last year in voiding a Los Angeles ordinance: the statute did not require that the seller know the contents of the material. The Indiana legislature revised the statute to meet the U.S. Supreme Court's objection. The Missouri decision declared that "by dispensing with any requirement of knowledge of the contents of the book, the ordinance tends to impose a severe limitation on the public's access to constitutionality protected matter"—matter that is not obscene. The Minnesota Supreme Court in effect validated the state law by interpreting it as requiring the knowledge requirement. Following the New York state Court of Appeal's adoption of the knowledge test, an appellate court in New York further restricted application of the state obscenity law by ruling that not only must the seller of offending material know its contents, but he also must be proven to know it was obscene. The same reasoning was followed in another case decided by the New Jersey Supreme Court. The New York verdict, appealed to the state Court of Appeals, followed still another decision by that court holding that only "hard-core pornography" fell within the state's anti-obscenity law. There is a steadily diminishing use of criminal prosecutions on obscenity charges as New York authorities now rely almost exclusively on civil proceedings in stripping newsstands of "girlie" magazines and other material. The U.S. Supreme Court verdict invalidating the Los Angeles ordinance was also cited by the Connecticut Civil Liberties Union in challenging the state anti-obscenity law in the Connecticut Supreme Court of Errors.

A Rhode Island Superior Court judge ruled that the activities of the State Commission to Encourage Morality in Youth were unconstitutional, a view long urged by the Rhode Island affiliate of the ACLU. The jurist—who did not rule on the constitutionality of legislation establishing the Commission—found that by sending lists of "objectionable" publications to distributors, warning them that Chiefs of Police had similar lists, and underlining the warning by stating that the Attorney General would act "in cases of noncompliance," the Commission had "clearly intimidated" the distributors in violation of the state constitution's protections of a free press and the 14th Amendment's guarantees against deprivation of life, liberty or property without due process of law. The decision reversed the convictions of four New York publishers of paper-bound books. Trying to circum-



vent the ruling, the state legislature approved a new law giving the Commission legal authority to send its notices and making such notices *prima facie* evidence that the distributor had knowledge of the book's content. But Governor John A. Notte Jr. vetoed the bill. "True obscenity," he said, "cannot and should not be countenanced in any form. But criminal statutes must be drawn in such a manner as to protect the innocent as well as punish the guilty."

Another legislative victory was won in Oregon when lawmakers repealed the state's 96-year-old obscenity law and replaced it with a measure framed in language of the U.S. Supreme Court in the 1957 *Roth* case. That landmark ruling defined obscenity as "Whether to the average person, applying contemporary community standards, the dominant theme of the material, taken as a whole, appeals to prurient interest." The legislature acted even though the state Supreme Court had just upheld the state law which does not define "obscene" and "indecent" literature. While the ACLU of Oregon did not take any position on the new law, it successfully opposed two other anti-obscenity measures which threatened civil liberties.

Kansas passed a new law barring the publication and distribution of allegedly obscene literature and promptly opened a state-wide crackdown with the backing of Governor John R. Anderson Jr. The measure permits the seizure of questioned material on the filing of a verified complaint by the Attorney General or a county attorney and the issuance of a warrant by a court. Within 10 days of the seizure a hearing must be held and the literature either destroyed or returned. Kansas officials hoped that the specific procedure laid down for seizing allegedly pornographic material would stand up against recent U.S. Supreme Court verdicts (such as the one involving Kansas City police) that held sweeping purges of newsstands to be a violation of due process protections.

Laws aimed at protecting juveniles through so-called comic book statutes were debated in the Maryland legislature, under challenge in a Connecticut Common Pleas Court, and criticized by the ACLU of New Jersey. The forthcoming Connecticut test case has the aid of the ACLU affiliate.

**THE LOCAL SCENE.** An eight-hour police raid which virtually cleaned out the offices of a Fresno publisher accused of distributing obscene books was declared unconstitutional by the California Supreme Court. The court held that the 19 categories itemized on the warrant—ranging from check stubs to mailing lists—"were so sweeping" as to violate search and seizure provisions of the state constitution. A trio of ordinances aimed at indecent literature was proposed in San Francisco. They would rule out the possession of such material within 300 yards of any school, playground or public park; make possession of obscene publications a public nuisance; forbid distributors to force dealers to take material he does not want under tie-in sales. Elsewhere in the state, the San Diego chapter of the ACLU of Southern California moved to challenge a new ordinance said to impose "general censorship contrary to the First Amendment" protections of free speech. Moline, Ill. softened an anti-obscenity ordinance following protests by a local



ACLU member. At the request of the member, the Illinois Division prepared a legal opinion on the constitutionality of a measure pushed by local extremists which subsequently was defeated by the City Council. A similar moderating influence has been exercised by two ACLU members in Lansing, Mich. who are members of a Mayor's committee to combat obscene literature. The Colorado Branch, ACLU opposed a proposal to create a municipal censorship board in Denver, a move which followed a municipal judge's invalidation of a local anti-obscenity ordinance because of the U.S. Supreme Court's *Smith* decision. The Rhode Island affiliate, meanwhile, was assured by the Mayor of Pawtucket that a newly-formed Committee to Act on Obscenity will not infringe on First Amendment rights. One such invasion in New York was cited by the Niagara Frontier (Buffalo) Branch of the ACLU, which protested a Buffalo resolution giving police the right to determine whether newsstands on public property carry obscene books or magazines. The Branch said such power is "arbitrary" and "unwarranted."

**PRIVATE PRESSURE GROUPS.** Prodded by the local chapter of the nationally-active Citizens Committee for Decent Literature (*See last year's Annual Report, p. 13*), the South St. Paul City Council created a three-man censorship board to implement an ordinance banning the exhibition, sale or gift of obscene literature to minors. A similar group in Union County, N.J. claimed success in an economic boycott of stores and newsstands selling "smutty" material. Rather than face such a boycott, said the group, 100 outlets have joined in the policing effort. A CDL chapter was also formed in Pensacola, Fla., while a new branch in Arizona was warned by the Arizona Civil Liberties Union against "unwarranted censorship" operating on such vague standards that fearful vendors "might remove legitimate pieces of adult literature from their shelves." A venerable private pressure group, the Roman Catholic-sponsored National Office for Decent Literature, urged "prudent community action" to counter the trend of what the NODL called "extremely liberal" court decisions which have resulted in fewer anti-obscenity measures by states and municipalities. The NODL, eschewing direct economic pressure on newsdealers, began to emphasize what the ACLU and book publishers have long urged, the need for parents to develop in their children an appreciation of good literature. A new vigilante group calling itself MUD (Mothers United for Decency) made its appearance in a hired trailer parked opposite the Oklahoma legislature while the lawmakers debated state censorship of all reading material for newsstands, schools and libraries. The "smutmobile" featured *Sons and Lovers*, *Lust for Life*, and *God's Little Acre* as well as 43 magazines, including *Mad*.

School libraries, a perennial target for local pressure groups, were subjected to fresh attacks. Unsuccessful drives were launched to remove John Steinbeck's *Of Mice and Men*, J. D. Salinger's *Catcher in the Rye* and other modern classics from a high school in Marin County, Calif.; George Orwell's *1984* from school libraries in Shaker Heights, Ohio; and the writings of Plato from a Houston junior high school. A local Arizona group did succeed, however, in restricting sev-

eral volumes of Ernest Hemingway and Howard Fast to shelves where it is necessary for pupils to get written parental permission to read them.

Library censorship of a different type was reported from Tennessee, where a state textbook commission still meticulously screens texts to eliminate those which refer to Darwin's theories of evolution; and from Torrington, Conn., where the local school board decided to supplant gradually a high school text containing three short stories that use the word "nigger" instead of eliminating the book immediately as demanded by the NAACP. Schools in Dallas and other Texas cities which study Communism increasingly are using material obtained from such non-academic sources as the FBI and the U.S. Chamber of Commerce. The ACLU suggested to the National Education Association that there should be no "automatic exclusion of material, whether it comes from the U.S. Chamber of Commerce or organizations like our own," but there should be "careful study" of all such outside contributions to assure that the materials are evaluated by professionally-trained educators.

**HANDBILLS.** The 1960 political campaign prompted several attempts by state and local officials to muzzle the distribution of handbills, one of which involved the Illinois Division in a unique role. Miles M. Vondra Jr. was indicted under the Federal Corrupt Practices Act for an anonymous pamphlet which smeared the affiliate's board chairman, Tyler Thompson, then on leave, who was running for Congress. The affiliate decided to uphold Vondra's right to anonymity in line with last year's U.S. Supreme Court's *Talley* verdict, voiding a Los Angeles ordinance (*See last year's Annual Report, p. 15*).

Davenport, Iowa was the scene of two incidents involving the presidential campaign. A deputy sheriff ejected a man who had paraded at the airport with a sign urging voters to vote for neither candidate, while the Quad-City Federation of Labor defied a 49-year-old local ordinance by circulating pro-Kennedy handbills. The Iowa Civil Liberties Union was ready legally to support a constitutional test of the law, but none developed since police did not interfere. This also was the case in Boston, where a chapter of the Committee for a Sane Nuclear Policy passed out leaflets on the Common despite a regulation requiring a Park Department permit. The Greater Philadelphia Branch intervened with the Fairmount Park Commission to win an end to restrictions on leaflet distribution, but only after an organization had temporarily been banned from handing out throwaways. ACLU affiliates in Minnesota, Maryland and Michigan had to go to court to win their handbill cases while the Southern California affiliate brought a damage suit in a Federal District Court on behalf of an evangelist whose leaflets were destroyed by Los Angeles police when he sought to protest the arrival of Soviet Deputy Premier Anastas Mikoyan. On the whole, the trend of court decisions is to erase local ordinances barring handbill distribution as unconstitutional violations of free speech. The issue was simply put by a Chicago Municipal Court judge who said that "the welfare of a nation, a people" is more important than whether a public place is littered with paper.

**OTHER CASES.** ACLU executive director Patrick Murphy Malin protested the reported banning of *Mad* magazine from three military post exchanges in Georgia, California and West Germany in a letter to Defense Secretary Robert J. McNamara. Malin said that although servicemen cannot enjoy all freedoms accorded civilians, "such a vital freedom as the selection of reading material should not be one of the areas in which they are accorded differential treatment." The post in West Germany from which *Mad* had been banned was commanded at the time by Major General Edwin A. Walker, later officially rebuked primarily for supporting the John Birch Society's attack on prominent Americans' loyalty. Unfortunately, along with the rebuke came the removal from newsstands of the 24th Infantry Division of *The Life of John Birch* and *American Opinion* magazine, the Society's official organ. Criticizing the removals, Malin called it "improper government intrusion into the field of thought."

Administrative censorship by the U.S. Bureau of Prisons was deplored by the Union in the case of Benjamin V. Davis, a Communist Party official convicted of violating the Smith Act, whose autobiography—written in jail before his release—was confiscated. Replying to the ACLU, Prisons Director James V. Bennett said that although prisoners are permitted to write manuscripts during their spare time, their works cannot "exploit their own criminal career or that of others." The Union said the policy was not technically a violation of civil liberties, but should be changed nevertheless in the interests of First Amendment values "which reach their peak in the area of social and political comment," regardless of the unpopularity of the author's ideological views. Apart from the particular *Davis* case, the Union said the Bureau's policy affects other books of social comment as well. It noted that the manuscript on penal reform by Robert Stroud, the *Birdman of Alcatraz*, was not allowed to be published and only came to public attention when included in Stroud's legal brief to the U.S. Supreme Court; likewise, "world-recognized literary contributions, pointing out the need for social reforms, were written by such prisoners as Thomas Paine, Oscar Wilde, Alfred Dreyfus, Eugene Debs and Socrates."

## 2. Motion Pictures

**THE COURTS.** To the unpleasant surprise of the ACLU and other opponents of movie censorship, the U.S. Supreme Court reversed an apparent pattern of almost a decade and upheld the constitutionality of state and municipal boards of censorship. The 5-4 decision, termed by the ACLU "a serious blow to freedom of expression," was delivered in the case of the Times Film Corporation, which refused to submit the Austrian film, *Don Juan*, to Chicago police censors for pre-screening approval. When the permit was denied, the case went to lower federal courts, which rejected the appeal, and then to the high court on the grounds that Chicago's requirement violated the First Amendment's guarantee of free speech. A friend-of-the-court brief submitted by the ACLU and its Illinois affiliate declared that the key issue is whether the federal constitution permits states or cities to impose restraints on films which they cannot on other communication media.

The Union said that while the court had never passed directly on the constitutionality of film censorship, it had ruled in "closely related areas" that "no state or municipality may, consistent with the Fourteenth Amendment, interpose a censor between the public and those who would communicate with it." The Union had every hope that the court would agree with this view. In 1952 it had ruled in *The Miracle* case that movies are entitled to the same First Amendment protections as the press; since then the high court had reversed several bans on movies where such vague standards as "sacrilegious," "prejudicial to the best interests of the city," "immoral," "harmful," and "sexual immorality" had been used.

The majority opinion, therefore, was received with some astonishment. It argued that "liberty of speech is not absolute," and that Chicago has the legal right to "protect its people against the dangers of obscenity in the public exhibition of motion pictures. It is not for this Court," the opinion said, "to limit the state in its selection of the remedy it deems most effective to cope with such a problem, absent, of course, a showing of unreasonable stricture on individual liberty." Emphasizing its focus on the question of prior restraint, the opinion added that the decision did not mean that city officials could bar "any motion picture they deem unworthy of a license." The central question, declared the majority, was whether "the ambit of constitutional protection includes complete and absolute freedom to exhibit at least once, any and every kind of motion picture. . . ."

In one of two minority opinions, both hailed by the ACLU, Chief Justice Earl Warren warned that the verdict "presents a real danger of eventual censorship for every form of communication be it newspapers, journals, books, magazines, television, radio or public speeches. The Court purports to leave these questions to another day," Warren said, "but I am aware of no constitutional principle which permits us to hold that the communication of ideas through one medium may be censored while other media are immune." Pointing to the long delays in litigation which make it difficult to challenge local censors, Warren said that the exhibitor may well decide to surrender rather than initiate costly judicial relief. "In such cases," he said, "the liberty of speech and the press and the public, which benefits from the shielding of that liberty, are, in effect, at the mercy of the censor's whim."

A second dissent by Justice William O. Douglas agreed that "under the censor's regime the weights are cast against freedom." Outlining the long and dismal history of censorship since the era of Socrates, Douglas concluded that "whether—as here—city officials, or—as in Russia—a political party lays claim to the power of governmental censorship, whether the pressures are for a conformist moral code or for a conformist political ideology, no such regime is permitted under the First Amendment."

Following the U.S. Supreme Court verdict, the Union urged state legislatures and city councils "not to stampede enactment of new legislation" as a response to the ruling. The ACLU pledged that it would continue to oppose "all forms of censorship in the courts, in the legislatures, and the forum of public opinion." Cities and states

who had thoughts of rushing through new film censorship were given pause, however, by several significant court rulings. The U.S. Supreme Court declined to review a Pennsylvania Supreme Court decision striking down a 1959 movie censorship code because the standards laid down for disapproval were so vague and indefinite that they violated the due process clause of the Fourteenth Amendment. In addition, said the state high court, in endorsing an appeal originally backed by the Greater Philadelphia Branch of the ACLU, the code's requirement of a fee to register films "is a plain attempt to tax the exercise of free speech." A second important court decision, though on a local level, held unconstitutional the local censorship ordinance in Atlanta, Ga., which had barred from the city's screens such movies as *Room at the Top* and *Never on Sunday*. Finding that the ordinance violated freedom of speech, Judge Luther Alverson of the Fulton County Superior Court said: "If censorship were an effective means of preventing obscenity, many of its critics would be silenced. The plain fact . . . is that . . . it drives it underground, encourages illicit trade and whets prurient curiosity, leaving only works of art and ideas to be censored. One of the worst evils of censorship is that it reverses our system of judicial process. Instead of the accused being innocent until proven guilty, the censor pronounces him guilty and he must prove himself innocent."

Although the Georgia Supreme Court reversed Judge Alverson's decision on a technicality, his stinging opinion lent support to movie industry spokesmen who proposed that every case of every film-banning should be fought through the courts, perhaps through an industry-wide watchdog unit established by the Motion Picture Association of America.

*The Lovers* figured in Chicago, where a verdict by the U.S. Court of Appeals may go far towards reforming local censorship practices that have been among the worst in the nation. The court held unconstitutional a new procedure whereby the city Police Commissioner allegedly delegated his power of censorship to a film review board composed of educators, lawyers and clergymen. Declaring that "the essence of justice is largely procedural," the court said that the review board has "no standards of appointment, nor formal procedures for determination, no opportunity for public hearing." The distributors of the film, the court added, had no opportunity to show that *The Lovers*, viewed in its entirety, did not offend contemporary community standards. The verdict, emphasizing a crucial question left unanswered in the U.S. Supreme Court decision in the *Don Juan* case, said that "Chicago's administration of its power of prior restraint . . . falls far short of the procedural guarantees. . . ." Other court tests of local and state censorship laws under which *The Lovers* was barred are underway in Dayton and Cleveland, where the Union affiliate submitted a friend-of-the-court brief, and Portland, Oregon.

A challenge of the Customs Bureau's power over entry of foreign films in the U.S. was mooted when the Bureau released a French film, *The Games of Love*, that was held up for a month. The test in the Federal District Court in Washington argued that since films had won

entrance in one port and been banned in another the lack of specific standards in the law permits officials to act without specifying any definition of obscenity which all must observe. The statute thus violated the First Amendment's protections of free expression.

**STATE AND LOCAL ACTIONS.** In Virginia, one of four states practicing pre-censorship (New York, Kansas and Maryland are the others), an appeal has gone to the state's highest court on the ban against showing *The Respectful Prostitute*. The license was denied for the French movie on the grounds that a public showing would incite to riot. Abilene, Texas passed an ordinance that makes both parents and exhibitors liable for fines up to \$200 for allowing minors to see films rated "objectionable" if the youngsters are not accompanied by a parent or guardian. Abilene's classification system is symptomatic of the most confusing issue facing the motion picture industry. A substantial minority within the industry are in favor of classification and would issue films with their own "For ADULTS ONLY" labels in order to pacify the protests of local pressure groups and lawmakers. Most Hollywood producers, however, are opposed to classification since it rarely accomplishes its objective. In Abilene, for instance, self-regulation by local exhibitors did not prevent passage of the new ordinance. Classifications bills failed to pass the Illinois and New York legislatures. In Maryland the State Board of Censors branded two films on nudity as obscene and forbade exhibiting them at all—the first time a movie was banned in its entirety in six years. In San Francisco, the local District Attorney dropped charges against a movie which explored homosexuality.

**BLACKLISTING.** Eight Hollywood writers and four actors lost the first round of a \$7,500,000 suit which claims they were blacklisted by the industry since 1947. The denial of a preliminary injunction by a Federal District Court judge in Washington will be appealed. In countering the suit, brought under the federal anti-trust law, the studios argued that there was no conspiracy to deny employment to the 12, merely that "each acted in its own separate economic interest, motivated by identical stimuli, under similar conditions. . . ." The studios were charged with agreeing among themselves not to employ persons who invoked the Fifth Amendment's bar against self-incrimination or refused to give information to congressional committees. The American Legion continued its campaign against movies worked on by once-blacklisted persons by urging its posts to use "all legal and proper means" to ask local theatre owners not to show *Exodus*, *Spartacus*, *Inherit the Wind*, and *Chance Meeting*.

### 3. Radio and TV

**DIVERSITY OF PROGRAMMING.** Although a House subcommittee killed a proposal to increase the administrative powers of Federal Communication Commission Chairman Newton Minow, Minow's own use of the public rostrum proved to be a powerful weapon in awakening many broadcasters to their public responsibilities. A forthright speech by the FCC chairman condemning TV programming as "a vast

wasteland" did more to agitate the industry towards increasing public service shows than years of previous effort by TV's critics. And the fact that the new president of the National Association of Broadcasters, Leroy Collins, agreed more than disagreed with Minow made broadcasting executives realize that even their own official spokesman had come to share the public's misgivings over the quality of commercial television. Minow, adding bite to his bark, used a new law endorsed last year by the ACLU to warn local stations that their promises must live up to their programming. Renewing the license of KORD in Pasco, Washington for only one year instead of the usual three, the FCC said that the station's 1,631 commercial spots per week were more than double the number it proposed airing when it was originally licensed in 1957. Accompanying its rebuke to KORD, the FCC mailed out a policy statement to all broadcast licensees. It said: "It is one thing for a licensee to decide that its community has a greater need for religious or educational programs than particular agricultural programs or entertainment programs. But it is quite another thing for the applicant to drastically curtail his proposed public service programming and increase his advertising content without an appropriate and adequate finding of a change in the programming needs of his area. . . . The applicant must conscientiously . . . serve the public interest needs of his community."

In another move backed by the ACLU, the FCC announced it would seek congressional legislation to shift gradually the nation's television system to Ultra High Frequency transmission which would make 70 channels available to the public instead of the 12 now open under Very High Frequency signals. As a first step an FCC-sponsored bill was introduced in the Senate requiring that sets shipped interstate be equipped with all-channel receivers. The FCC also initiated a \$2,000,000 experimental project in New York City, with the cooperation of WNYC, directed toward the technical evaluation and improvement of UHF broadcasting.

**JUVENILES.** Renewing his criticism of the television industry, Minow called most children's programs "indefensibly wasteful," in testifying before a Senate subcommittee investigating possible links between juvenile crime shows and juvenile delinquency. NAB president Collins, while not defending the frequently condemned species of children's programs, declared that the weight of sociological opinion "does not justify a conclusion supporting a causal relationship" between television crime and violence and "criminal tendencies." In this, Collins was backed by Donald E. J. MacNamara, dean of the New York Institute of Criminology. The ACLU believes that in view of the divergence of opinions among social scientists and psychologists as to whether objectionable visual (or printed) material really is a cause of delinquency, no such material should be censored unless direct proof is offered that exposure to a book or film or TV program caused the commission of an illegal act. At the same time the Union believes there should be greater diversity and a better balancing in programs for juveniles as well as adults.



**EQUAL TIME AND OPTION TIME.** Following the "great debate" of the 1960 presidential campaign made possible by congressional suspension of the "equal time" provision of Section 315 of the federal communications law, CBS president Frank Stanton urged Congress to suspend the requirement for elections at all levels through 1963. Stanton pledged that "responsible third candidates" would be treated equally with the nominees of the two major parties. During the 1960 campaign—as the ACLU had predicted would happen under the suspension of Section 315—the Socialist Labor and Socialist Workers parties and other minority groups with certified presidential candidates, were given either a minimum of free time, or none at all, depending upon network policy. From the public in general the FCC received some 200 complaints. One reported the refusal of many ABC radio network stations to accept a paid political program produced by a labor union on behalf of John F. Kennedy. A bill to repeal permanently the equal time requirement for presidential and gubernatorial campaigns was introduced in the Senate, but no action taken.

• **OTHER ISSUES.** The Union criticized as "attempted official censorship" a vain attempt by Edward R. Murrow, Director of the U.S. Information Agency, to persuade the BBC from showing a documentary on migrant labor conditions in the United States which was produced by Murrow for CBS before he became a government official. Murrow himself conceded his move was "foolish and futile" but said he still thought the TV documentary was for "domestic consumption."

A Riverside County, Calif. judge quashed an indictment of conspiracy to commit criminal slander inspired by a telecast detailing anti-semitism in the town of Elsinore. A friend-of-the-court brief submitted by the ACLU of Southern California argued that the state law under which the indictment was returned against a newscaster and eight others was a modern equivalent of libel and sedition laws discredited as violations of free speech rights under the First Amendment.

#### 4. Access to Government News and Public Records

**THE FEDERAL SCENE.** A House subcommittee on government information policies concluded that the change of administrations in Washington had somewhat eased the flow of news, but not enough. Noting that government employees still stamped secret a vast range of information ranging from the amount of water pumped into hams to data on missile tracking, the subcommittee concluded that "the problem of secrecy in government is not a partisan one, but stems from the nature of bureaucracy as well as from the ever-present influence of military secrecy." The professional journalism fraternity, Sigma Delta Chi, came to the same conclusion, adding with impartiality that Democrats who loudly criticized the Eisenhower information policies now were behaving more gently while Republicans who previously were silent are now vociferously demanding that the lid be taken off classified information. At least some classified information will be released under a new system designed to downgrade certain defense documents at regular intervals. The fastest a document normally may



be made public under the new rules is three years unless officials decide sooner that the information is no longer sensitive.

Crises in United States policy on Cuba and Berlin stirred renewed debate on the problem of the role of a free press in a free society. Publication by newspapers of many details of the U.S.-backed invasion of Cuba prompted President Kennedy to ask publishers to consider the national security by working out a system of voluntary censorship on highly sensitive issues. Newsmen responded by pointing to the impracticality of such an arrangement. The report by a weekly news magazine of military plans to defend Berlin moved the President to order an FBI investigation, but the results were once again inconclusive. The Defense Department was praised for a policy statement that promised to tell the public good news as well as bad, but the Department was criticized by some in Congress for restricting foreign policy pronouncements by high-ranking military officials. As always, a few instances of government secrecy defy rational explanation. One such case involved Dr. Bentley Glass, Johns Hopkins University biology professor and president of the Maryland Civil Liberties Union, who in 1951 wrote a secret report for the State Department on the status of science and scientists in West Germany and who, a decade later, was refused permission to read it over again because he lacks clearance.

**STATE AND LOCAL ISSUES.** The Connecticut Senate approved a bill requiring public officials who refuse to allow inspection of public records to give a written explanation of their refusal within 15 days. The measure also granted privileged status to any suits arising from the exercise of the right-to-know law. Police records in Louisville, Ky. were opened to two newspapers and a broadcaster after the media agreed that police officers would not be made party to any lawsuits arising from disclosure of arrest and conviction records. Two Louisville newspapers, the *Courier-Journal* and the *Times*, were refused review by the U.S. Supreme Court in an appeal which sought to force a local Criminal Court judge to reveal the contents of a murder confession heard in the judge's chambers. The newspapers argued that the secrecy violated the right to a public trial and the freedom of the press guaranteed by the First and Fourteenth Amendments.

## **ACADEMIC FREEDOM**

### **1. Federal, State and Local Issues**

**THE NATIONAL SCENE.** The ACLU vigorously supported an Administration-supported bill eliminating the disclaimer oath from the National Defense Education Act. The oath, requiring persons receiving federal grants or loans to sign an affidavit disclaiming membership in any organization advocating the violent overthrow of the government, is a "direct attack on the First Amendment's guarantee of freedom of political thought," said the Union in testimony before a Senate subcommittee. Pointing out that 105 colleges and universities have protested the oath, the Union said it "runs counter to this country's long-established legal tradition of assuming the innocence of the individual

until he is proved guilty." In addition, said the statement, "we are further convinced that such a requirement defeats its objective since it cannot be assumed that the signing of such an affidavit would be a serious obstacle to any persons who might wish to harm our nation." The Union also argued that since other recipients of federal aid, such as persons on social security, have never been required to sign disclaimer oaths, "this leaves students and teachers as the only group to which suspicion is directed by such a requirement."

An even greater threat to academic freedom was singled out by the Union in opposing a House measure which would have required stiffer loyalty requirements, including full security investigations, of fellowship applicants to the National Science Foundation. ACLU executive director Patrick Murphy Malin warned that "if the final evaluation of applicants were to be delegated to government agents, rather than to the panel of scientists who serve the NSF, a dangerous step would have been taken toward government policing and control of the graduate programs of the institutions of higher education." Subsequently a differently phrased bill was substituted for the first one proposed, and reported out by the House Science and Astronautics Committee but not voted on by the House. This bill would require award applicants to furnish information under oath about past convictions (after the age of 16, excepting for minor traffic violations), rather than about arrests, as required by the first bill, an important distinction which the ACLU had stressed. The pending bill would also make it a crime for any person to apply for or use an NSF fellowship if he were a member of any Communist organization (as so defined in the Internal Security Act of 1950) which had registered or finally had been ordered to register with the Subversive Activities Control Board, provided the applicant knew that the organization had registered or had been ordered to do so. Believing the Internal Security Act of 1950 to be a denial of the rights of free speech and association (*for details, see page 41*), the Union also opposed the second bill.

The Union's comment on a tightening of the NSF Act were made at the same time that it asked the NSF to cancel its revocation of a \$3,000 grant to Edward Y. Yellin, a University of Illinois graduate student whose conviction in 1960 of contempt of Congress for refusing to answer questions of the House Un-American Activities Committee on First Amendment grounds was later upheld by the U.S. Court of Appeals. Yellin, whose case the U.S. Supreme Court has since agreed to review, had been given a grant solely on the basis of his ability, as the NSF Act, passed in 1950 stipulates, and had signed the Act's required disclaimer oath. When a congressional row developed, the fellowship was rescinded because the student's one-year prison sentence raised the possibility, the NSF informed him, "that you may not be able to pursue your studies without interruption." The Union's statement criticized the formal reasoning as a pre-judgement of the high court's decision as to whether it would hear his case on appeal. The ACLU also urged the NSF to honor the difference between cases of individuals found in contempt of Congress because they relied "on what they believed to be their rights under the First Amendment and have refused

to answer questions about their beliefs and associations" and persons convicted of "for example—perjury."

The Academic Freedom Committee of the ACLU, in a definitive study of the Fulbright award program, praised revised selection procedures of Fulbright scholars which eliminated evaluations of applicants' loyalty or disloyalty but also warned that vague language used to describe a desirable candidate may still be used to reject an applicant without sufficient explanation. The reforms instituted by the Board of Foreign Scholarships followed its rejection of Sarah Lawrence professor Bert J. Lowenberg in 1959 after a Conference Board of scholars had approved him (*See 1958-1959 Annual Report, p. 30*). Even though the Board insisted that it had not ruled out Lowenberg for security reasons, its actions had provoked widespread criticism by the academic community and by the ACLU. Lowenberg was finally given a Fulbright fellowship for the year 1960-1961.

Professor Louis M. Hacker, chairman of the Academic Freedom Committee, and ACLU executive director Patrick Murphy Malin jointly issued a statement signed by 250 leading U.S. professors calling for abolition of the House Un-American Activities Committee for "repeatedly undermining the freedoms essential for national well-being." During the 24-year history of HUAC, said the professors, it has "grilled teachers about their political associations, past and present. It has inquired into the textbooks they use. In these ways the Committee has created fearfulness within the academic world—and, perhaps even more dangerous, public distrust of teachers and the institutions in which they serve." Conceding that the Committee "has latterly improved its hearing manners," the professors pointed out that "it continues to be careless or unscrupulous in vilifying its critics," and stressed that "democracy cannot flourish when a legally unaccountable body intimidates dissenting citizens."

**LOYALTY AND SECURITY.** Following a third appeal to the New Jersey Supreme Court, Newark public school teacher Robert Lowenstein was finally reinstated to his job—six years after he was fired for invoking the Fifth Amendment's protection against self-incrimination before the HUAC. The local school board refused to reinstate Lowenstein because he refused to answer all questions put to him that dealt with the period prior to 1953, but the majority court opinion held that since the board itself conceded there was not "a shred of fact" to suggest that Lowenstein had been a member of the Communist Party since then, it was wrong in conducting its own inquiry. The only determining factor, said the court, is the teacher's present membership in the party and his belief in democratic principles. Fired along with Lowenstein were two colleagues: Mrs. Estelle Laba, since reinstated, and Perry Zimmerman, not rehired because he lacked tenure at the time he was dismissed. The ACLU of New Jersey, which filed a friend-of-the-court brief on behalf of Lowenstein, will do the same for Zimmerman in his continuing effort to win back his job.

Another long legal struggle—but one not yet over—involves University of Washington Professors Howard Nostrand and Max Savelle,

whose six-year battle against the state's loyalty oath for public employees has been supported by the ACLU of Washington. In the latest installment, the state Supreme Court decided that the state anti-subversive law does not require a hearing for employees dismissed for refusing to take the oath. However, because of their tenure rights, professors are exempt and entitled to a hearing. The verdict will once again be taken to the U.S. Supreme Court, which previously had sent the case back for trial before the state court on the issue of whether an employee who refused to take the oath had a right to a hearing (*See last year's Annual Report, p. 24, 1958-1959 Report, pp. 86-87*).

Loyalty oaths for teachers were also an issue in California, where the ACLU affiliate in Northern California provided counsel for Rita and William Mack, whose teaching credentials were revoked by the state Board of Education because they said they never joined an organization advocating the violent overthrow of the government (they had quit the Communist Party in 1957); and in Florida, where the U.S. Supreme Court agreed to review a test case involving Florida's loyalty oath for state employees in a suit supported by the Florida CLU. Schoolteacher David Walton Cramp, Jr. refused to take the oath on the grounds that it violated his rights of free speech and expression under the First Amendment and his due process rights under the Fourteenth Amendment. But he swore in court that he was not a Communist, would not support its cause, was a loyal American, and would support the Constitution. The FCLU's brief argued that the oath, in the case of teachers, "emphasizes the need for conformity and so tends to make a mockery of academic freedom." In New York City the Board of Education took no action in the cases of five teachers who, after five years, remain suspended without pay on grounds that they falsified their application forms. They appealed to the state Commissioner of Education for relief (*See last year's Annual Report, p. 25*).

A University of Pittsburgh fact-finding committee—following four months of testimony which covered thousands of pages—vindicated history professor Robert Colodny after a local uproar touched off by a newspaper interview resulted in demands by a state legislator that "state supported institutions should be investigated to discover the opinions of professors." Colodny had told the *Pittsburgh Press* that Castro's Cuba is "just another case of agrarian reform," and conceded his service with the Abraham Lincoln Brigade during the Spanish Civil War. The committee, completely clearing Colodny of any trace of subversion, said that while he did join Communist-front organizations, he did so to promote idealistic causes such as world peace out of a "highly developed social sense." The committee noted that Colodny presently regards Marxist doctrines as "fallacious" and that he believes that the Castro government "now has slipped into the Soviet orbit; . . . a calamity . . . for the Western Hemisphere." The Greater Pittsburgh chapter of the ACLU of Pennsylvania also defended Colodny, censuring the *Press* for "an injudicious inference of guilt by association."

The ACLU of Northern California won the return of teaching credentials to San Francisco City College teacher John W. Mass who had refused to answer questions of the HUAC. The San Jose, Calif.

school board voted tenure to Ned Hanchett after studying the minutes of his 1957 appearance before the HUAC. Seven years after the Greater Philadelphia Branch of the ACLU protested the firing by Temple University of professor Barrows Dunham because he pleaded the Fifth Amendment before the HUAC, Temple revised its policy. The action removed the university from the censure list of the American Association of University Professors. The ACLU protested to the Nebraska State Normal Board after it rescinded the contract of a young English teacher who, while studying for his Ph.D. and teaching at Ohio State, had provided a forum in his backyard for a HUAC critic, William Mandel, who had been denied a platform on the campus. Subsequently the graduate student was given another year's teaching contract at Ohio State. The American Association of University Professors began an investigation after the Nebraska board acted.

Intrusion into the private beliefs and associations of teachers led to the firing of an assistant professor of botany and associate professor of dairy science at the University of Arizona, and a warning to other faculty members who had engaged in off-campus pacifist activities; dismissal of two elementary teachers in Phoenix, Arizona, one the former chairman of the Arizona ACLU, Northern Area, and the other a member of the board; ousting of a Glenbrook, Ill., high school social science teacher who believed in promoting controversy in his classroom; and the recall of an unpaid Southern California school district trustee because he conducted ACLU meetings in his home. Union affiliates are conducting investigations in the Illinois and Arizona incidents. The Minnesota Civil Liberties Union successfully helped the Minnesota Education Association defy private pressure groups who tried to cancel an MEA speaking invitation to author and professor Max Lerner, an ACLU national committeeman. The St. Paul City Council also refused to bar a municipal auditorium for the event.

**NON-POLITICAL ISSUES.** The Illinois Division filed a notice of appeal on behalf of Leo Koch, dismissed University of Illinois assistant professor of biology, who in the university newspaper's discussion on sexual ethics publicly advocated premarital relations for college students "sufficiently mature to engage in them without social consequences and without violating their moral codes." The Division had brought suit in the state courts against the university's board of trustees charging that the university had committed a "serious breach of academic freedom" by interfering with a faculty member's right of expression. It noted that Koch's views were expressed without "vulgarity or sensationalism" and were a serious contribution on a matter of "genuine concern." In Michigan, the Metropolitan Detroit Branch of the ACLU defended Richard Waring, a former Dexter high school teacher suspended for attacking the local school board while speaking as a parent at a PTA meeting. The affiliate said Waring's rights to free speech are protected under the First and Fourteenth Amendments. Also in Michigan, the ACLU sharply attacked the State Police and an Upper Michigan school board for violating the civil rights of Franklyn C. Olson, an elementary public school teacher arrested on obscenity

charges for giving Albert Camus' *The Stranger* to 11-13 year-old boys to read. Olson was acquitted of the charge on appeal to a state Circuit Court but the Union objected to the fact that the board called in state police to investigate rather than determining itself "whether teaching proprieties had been violated" and that the teacher had been summarily fired. The ACLU also condemned the Michigan Education Association for failing to aid Olson despite promises to help all members whose "professional rights are threatened." The ACLU of Northern California aided a conscientious objector who received his teaching credentials after they were initially denied.

**STUDENT RIGHTS.** Restrictions over the right to select and hear campus speakers involved ACLU affiliates in Michigan, Illinois and Northern California. The policy of Wayne State University that permits certain off-campus groups to use university facilities while denying the right to others was condemned by the Metropolitan Detroit Branch, which pointed out that this policy would bar such groups as the ACLU, NAACP, League of Women Voters and representatives of the Republican and Democratic Parties. The university policy grew out of a controversy last year in which the administration lifted a ban on Communist speakers in order to allow a visiting Soviet scientist to speak, then tried to bar Harvey O'Connor from speaking on the grounds that the author had refused to answer questions on alleged Communist affiliations before congressional investigators. A Circuit Court judge, in ordering O'Connor's ban lifted, criticized the university as "arbitrary and discriminatory." The new policy, still unsatisfactory to the affiliate, was promulgated soon after. In other cases, the Illinois Division criticized Northern Illinois University for refusing campus Young Democrats a chance to hear an invited representative of the Communist Party, and the ACLU of Northern California joined 161 faculty members of the University of California at Berkeley in protesting the cancellation of a talk before the NAACP chapter of Malcolm X, leader of the extremist Black Muslim organization. The action, supposedly based on the sectarian character of the movement, was a "subterfuge to bar dangerous ideas" said the affiliate, since rabbis and ministers had previously addressed student groups. Also at the University of California, the affiliate objected to a failing grade in ROTC given to a student because he picketed compulsory drill while wearing his cadet uniform. A faculty committee is investigating the incident.

The expression of political views by students was met by varied reactions on three campuses. The Florida Civil Liberties Union assailed the University of Miami for stopping circulation of a petition calling for the abolition of the HUAC; the Fairfield County Chapter of the Connecticut Civil Liberties Union praised the University of Bridgeport for defending student journalists who made the same demand in an editorial; and the University of New Hampshire won ACLU commendation when it refused a demand by Governor Wesley Powell that it summarily expel 16 students convicted of violating the state's civil defense law during a test alert.

## 2. Pressures Arising from the Integration Conflict

A Federal District Court judge in Macon, Georgia upheld a suit brought by the ACLU on behalf of three white children of the integrated pacifist Koinonia Farm community who had been refused admission to the Americus, Ga. public school. The Union charged that the exclusion discriminated against the children as a class because of their creed, in violation of the equal protection of the laws clause of the Fourteenth Amendment. The school board's argument—that the presence of children who believe in religious and racial equality might lead to violence—was scornfully rejected by the federal court. In addition, the opinion noted that at the same time the school board rejected the three Koinonia pupils it accepted 27 non-Koinonia white students. "This will not do," said Judge W. A. Bottle. The case was but the latest example of local pressures to which the community has been subjected in recent years, including economic reprisals and shootings. Another southern school which has been the target for extremist attacks because of its interracial practices unsuccessfully carried its case to the U.S. Supreme Court. The Highlander Folk School of Monteagle, Tenn., an integrated school for adults, was ordered closed by the state Supreme Court on the ground that it was run for the private gain of its director and that it sold intoxicating beverages on school property without a license. The ACLU, however, agreed with the school's appeal to the U.S. Supreme Court, which said the case "presents an unmistakable picture of discriminatory application of the state law by state action in order to forbid the exercise of constitutionally protected rights." The Tennessee Supreme Court chose not to rule on a third holding of a lower court that Highlander had violated a state law against allowing Negroes and whites to attend the same classes. The U.S. Supreme Court declined to review the case, but the school's backers plan to carry out its basic function under a new charter.

Negro teachers won a victory in Arkansas when the U.S. Supreme Court declared unconstitutional a law requiring teachers to sign affidavits listing all their organizational affiliations. The opinion held that "organizational relationships could have no possible bearing upon a teacher's occupational competence." Waldo F. McNeir, past chairman of the Louisiana Civil Liberties Union and for 11 years a professor of English at Louisiana State University, resigned from the University rather than contest "frivolous charges" that he showed "disrespect for the Legislature" by "teaching integration in my classes." Two years ago McNeir and 65 other LSU professors signed a LCLU petition opposing anti-integration bills under consideration by the state legislature. The Kentucky Civil Liberties Union concluded that Kentucky State College violated academic freedom by firing two faculty leaders of the local CORE chapter by not giving them 10 days' notice in writing and a hearing as required by state law. The Illinois Division of the ACLU is supporting a federal damage suit by two Mound City high school teachers who charged that they were integrated out of their jobs when two previously segregated schools were merged. All the white teachers were kept on the job, all the Negro teachers fired. A student pamphlet discussing the pros and cons of racial segregation finally was



permitted to circulate at the University of California at Los Angeles, but only after the ACLU of Southern California began a court test of a campus regulation, later modified, barring the distribution of literature "without permission obtained in advance" from university officials.

## *RELIGION*

### 1. Church and State: Education

**CONGRESS.** In the course of long and complex legislative maneuvering over the Administration's school aid bill, the ACLU on several occasions pointed to the necessity of maintaining the constitutional separation between church and state. The Union drew a line, however, between church-related institutions of higher education which satisfy specified educational criteria and church-controlled elementary and secondary schools. Opposing loans to the latter, the ACLU Board of Directors declared that since they are "created for the precise purpose of communicating a body of religious teaching (and) are meant to nurture and fortify the faith of children already linked with the religious group" federal building loans or grants would violate the "no establishment" of religion clause of the First Amendment. The Board found no constitutional bar, however, in federal aid to church-related colleges and universities provided (a) students and faculty members are not required to be members of the religious faith with which the school is linked; (b) religious indoctrination is not a required part of the curriculum; and (c) the curriculum is determined by those charged with educational, rather than religious, responsibilities. "An institution that unconditionally meets these minimal standards may properly be characterized as educational, whether or not it was founded by or is now governed or financed (in whole or in part) by a religious group," the statement declared. Automatically excluded would be schools of theology, divinity, or religious seminaries.

The ACLU position, delivered in testimony before the Senate Committee on Labor and Public Welfare, also backed federal college scholarships to students without regard to the type of institution on the ground that under the free exercise of religion clause of the First Amendment, students receiving funds under the G.I. Bill of Rights or any other federal source should have a free choice of college. The sole exceptions, said the Union, would be religious seminaries and schools of theology. The ACLU also urged the Committee at the very least to provide for a prompt judicial review of a taxpayer's suit challenging the constitutionality of building loans granted to church-sponsored colleges without distinction as to the nature of the educational program. As currently interpreted, a clause in the proposal permits only a contracting academic institution or its housing agency to sue the U.S. Commissioner of Education. Recognizing that dormitory loans have been granted to all types of church-sponsored colleges since the Housing Act of 1950 was passed, the Union declared that "a provision which is of questionable constitutionality should not be extended indefinitely."

Earlier in the congressional debate, the Union strongly endorsed the Administration's exclusion of federal loans or grants to church-



controlled elementary and secondary schools. Lowering such a bar, the ACLU Board of Directors told Congress, would mean "supporting not one, but various establishments of religion—not only Catholic, but Lutheran, Episcopalian, Quaker, Jewish, etc." While church schools have a right to conduct religious instruction and indoctrination under the "free exercise" of religion clause of the First Amendment, the Union said, for Congress financially to aid such schools would be unconstitutional. Answering arguments that denial of federal support to parochial lower schools is discriminatory and unfair, the ACLU pointed out that as long as "every American is free to send his children to public schools" if he wants to, there can be no accurate accusation of second-class citizenship for such parents.

A Senate amendment to the Administration's public school aid bill was criticized by the Union as unfair to parents of parochial school children, in that it made the total number of school-age children in the state—rather than the smaller number of public school pupils—the multiplier in calculating the amount-per-child figured for the state under a federal school aid formula which adjusts allocations to equalize the difference between richer and poorer states.

The Union opposed expansion of the National Defense Education Act which would have provided for long-term, low-interest federal loans to non-public elementary and secondary schools for the construction of science, mathematics and modern language classrooms. It said that such loans, no different in principle from outright grants, "would put the government in partnership with a religious institution." On the same ground the Union said the provision in the 1958 NDEA for loans to non-public schools for the purchase of teaching equipment in the three areas indicated should be repealed. Added sections in the proposed NDEA legislation to which the Union objected on separation grounds were: a partial forgiveness of loans to college students who go on to teach in non-public as well as public schools; the payment of stipends to teachers from non-public schools for attending summer institutes in modern languages or guidance; and the subsidization of guidance and counseling services in non-public schools. Since, except in the vocational area, guidance counselors are concerned with students' attitudes and philosophies of life and those in church-controlled schools naturally give a religious orientation to their counselling, such services, the Union held, should not be government subsidized. However, the Union saw no constitutional objection to the psychometric testing of non-public school children by public personnel.

**BIBLE READING AND RELIGIOUS TEACHING.** Rulings on three key aspects of a multi-barrelled assault on religious practices in Dade County, Fla., public schools were hailed by the ACLU and the American Jewish Congress which brought the test suit. The verdict prohibited sectarian holiday observances such as those recreating scenes of the Nativity, the showing of religious movies, and the use of school facilities for after-school religious classes by church groups. Two other issues raised in the suit—the constitutionality of Bible reading and recitations of the Lord's Prayer—will be appealed to higher courts. The Union entered the case through its Florida affiliate, which sup-

ported Harlow Chamberlain, one of the plaintiffs. A side issue to the suit involved the FCLU when the court test was used by a candidate to the local school board to claim he was campaigning "to preserve Bible reading in the schools." His opponent, a member of the Union, was attacked in a campaign leaflet issued by a group of Protestant ministers on the ground that the ACLU was labelled by the American Legion in 1959 as a defender of "Communists and Communist causes." This charge was promptly denied by the FCLU and the ACLU member won his seat on the school board.

Bible-reading in the public schools also aroused controversy in Michigan, where the Union's Metropolitan Detroit Branch praised the state Attorney General's ruling that Bible-instruction violated the state and federal constitution; and in Maryland where the state Attorney General held that pupils may be excused from Bible reading on the written request of a parent, after a mother had sought and received aid from the Maryland CLU.

In Philadelphia, the four-year-old Schempp case was expected to be heard in the fall by the Federal District Court as to whether the Pennsylvania legislature's amendment to the compulsory Bible-reading law moots Mr. and Mrs. Schempp's original complaint. The amendment, permitting children to be excused from Bible-reading on a parent's written request, was passed in 1959 after a three-judge federal court had ruled the compulsory law unconstitutional. The Schempp family's lawyers, who took the case at ACLU's request, contend that the amended law, like the old law, constitutes state aid to religion and is thus still unconstitutional. The distribution of Bibles was struck down as illegal by a Florida District Court of Appeals and by the New York state Department of Education, which acted on a complaint by the Niagara Frontier (Buffalo) Branch of the ACLU. The affiliate also persuaded a local school board to drop its sectarian baccalaureate rites and raised the same question about state university exercises in Buffalo. Bible distribution in Edmonds, Wash. was opposed by the ACLU of Washington.

The New York Court of Appeals, the state's highest judicial body, upheld the legality of opening each public school day with a non-sectarian prayer recommended by the state Board of Regents. Denying the argument of the NYCLU, which supported the suit brought by five Nassau County parents, the majority opinion said that to prohibit the non-compulsory prayer would "stretch the so-called separation of church and state doctrine beyond reason." The prayer states: "Almighty God, we acknowledge our dependence upon Thee and we beg Thy blessing upon us, our parents, our teachers and our country." The Illinois Division of the ACLU, responding to what it reported were an increasing number of parental complaints, adopted a policy statement reminding Cook County school officials that "the law requires and good judgment dictates" that Christmas observances be as non-religious as Valentine's Day. A copy of the statement was mailed to 1,500 educational officials. The Minnesota Rabbinical Association surprised some Twin City school administrators by requesting principals not to stage Chanukah observances. The rabbis said that any religious

ceremony in the public schools was a violation of constitutional separation of church and state.

**AID TO PAROCHIAL SCHOOLS.** The U.S. Supreme Court refused to hear an appeal of a Connecticut law giving towns the local option of paying for non-profit school bus transportation entirely out of local taxes. The court thus, in effect, stood by its 1947 decision in the *Everson* case (*See last year's Annual Report, p. 29*). The Alaska Supreme Court, however, declined to be bound by the *Everson* verdict in striking down a law that would have extended free school transportation to private and sectarian schools. In ruling that such transportation was "direct" assistance and therefore prohibited by the Alaska state constitution, the court rejected the "child benefit" theory which argues that such aid benefits the child rather than the school and so does not violate the constitutional wall between church and state. The Attorney General of North Dakota came to the same conclusion in ordering the town of Lisbon to cease paying public money to transport parochial students to school. In Oregon the Union's affiliate successfully reversed in the state Supreme Court a Circuit Court decision holding constitutional a state law mandating the provision of textbooks to nonpublic elementary schools.

**TUITION GRANTS.** The New York Civil Liberties Union and the Niagara Frontier (Buffalo) Branch opposed a bill approved by the state legislature which indirectly evaded constitutional guarantees by awarding so-called "incentive" scholarships to students of church-sponsored as well as other private institutions of higher learning. Since the students would pass along these funds to the colleges, said the NYCLU, the bill violates the state constitution's ban against the use of "public money, directly or indirectly, in maintenance of any school of any religious denomination." The direct payment of public tax funds as tuition to a school district in Vermont was outlawed by the state Supreme Court in a verdict which affirmed a lower court decision. The U.S. Supreme Court refused to review.

**RELEASED TIME.** School boards in Plymouth, Ohio and Dunkirk, N.Y. resolved controversies over released time very simply: the former stopped giving religious instruction during school hours and the latter took such classes out of the public school where they had been held. The Maryland Civil Liberties Union opposed a move by a Governor's committee studying juvenile delinquency to approve a released time ordinance. The Metropolitan Detroit Branch of the ACLU decided that allowing parochial school students to attend speech correction classes held in public schools does not violate the separation of church and state. The Greater Philadelphia Branch supported state legislation which would permit the state Health Department to reimburse parochial schools for money spent on nursing services, on the theory that such aid was given to the child not the school.

In Ohio the state affiliate objected to the wearing of religious garb by Catholic nuns who teach in several counties. The state Attorney General disagreed, rejecting the affiliate's constitutional argument as

well as its suggestion that nuns follow the practice of their sisters in New York and North Dakota, who received dispensation to wear lay clothing while teaching in public schools.

Controversies over religion also erupted on several college campuses. The Ohio CLU objected to interviews of prospective teachers by Bowling Green State University at which applicants were asked their religion. The ACLU declared that charges of racial or religious bias in promotions or appointments at public institutions of higher learning should be investigated by specially elected faculty committees whose decisions would be subject to judicial review. To avoid disruption, said the Union, anti-discrimination commissions should not investigate this area of bias. The recommendation was prompted by two years of dissension at Queens College in New York City which arose over charges of anti-Catholic bias. The New Jersey Supreme Court allowed Amherst College to eliminate religious restrictions from a \$50,000 scholarship fund willed to the school. The court left standing restrictions against applicants who smoke, drink or gamble.

## 2. Church and State: The General Public

**"BLUE LAWS."** The U.S. Supreme Court upheld the constitutionality of Sunday closing laws in Maryland, Massachusetts and Pennsylvania and subsequently rejected appeals to review similar legislation from plaintiffs in South Carolina and Ohio. The verdicts marked a temporary end to the prolonged court battles over the "blue laws," shifting the debate to the legislatures. Pressure in Illinois and Indiana quickly developed to pass such measures, but the bills were defeated. Although Chief Justice Warren said that the "blue laws" could be held unconstitutional in the future if it were shown that states used them "to aid religion," he found in the current cases no such issue. He accepted their purpose and effect as "not to aid religion but to set aside a day of rest and recreation." Warren denied that the laws were an infringement of free exercise of religion because the appellants alleged only economic injury and he answered the equal protection question by declaring: "A statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it. . . . The record is barren of any indication that this apparently reasonable basis does not exist." Dissenting opinions supported a friend-of-the-court brief submitted by the ACLU which said the "blue laws" violate prohibitions of the First Amendment and, by interpretation, the Fourteenth Amendment against state establishment of religion and state interference with religious liberties. One dissent said the majority "seems to say . . . that any substantial state interest will justify an encroachment on religious practice, at least if those encroachments are cloaked in the guise of some non-religious public purpose," and another dissenter argued: "I do not see how a state can make protesting citizens refrain from doing innocent acts on Sunday because the doing of those acts offends sentiments of their Christian neighbors. The Court balances. . . . There is in this realm no room for balancing."

The ACLU brief declared that while the state, under its police power to act for the public welfare, may restrict persons to a six-day work

week, designation of a particular day of rest restricts unnecessarily "the right of all men to choose their form and the time of rest and worship." The Union pointed out that so-called "one day of rest in seven" laws which leave the day of recreation up to the individual are in force in Arizona, California, Nevada, Oregon, Wisconsin and Wyoming. Such legislation, said the ACLU, achieves the same purpose as Sunday closing laws, but infringes to a lesser degree upon personal liberty.

**PLANNED PARENTHOOD.** In a suit supported by the Connecticut Civil Liberties Union, the U.S. Supreme Court refused to rule on the constitutionality of that state's birth control laws, which forbid doctors to prescribe contraceptive measures and the sale or use of birth control devices, declaring that although the laws have been on the books for more than 75 years, no one has been injured by them and a prosecution was begun in only one case. The "dead words" of the law, as the court characterized them, may soon be put to a live test, however. The Planned Parenthood League announced the opening of a counseling clinic in New Haven. The Arizona CLU is backing an appeal to the state Supreme Court testing the constitutionality of a law banning the dissemination of birth control information. The affiliate contends the ban infringes on protections of free speech and due process.

**RELIGIOUS OATHS.** In an unanimous opinion, the U.S. Supreme Court found unconstitutional a requirement that a sworn belief in God be a prerequisite for holding public office. The case, backed by the ACLU and the American Jewish Congress, involved Roy R. Torcaso, a Maryland notary public whose commission had been denied when he refused to take such an oath (*See last year's Annual Report, p. 31*). The opinion held that the provision infringed on the individual's right to religious freedom, and that neither the state nor the federal government "can aid those religions based on a belief in the existence of God, as against those religions founded on different beliefs."

**USE OF PUBLIC FUNDS.** The Georgia Attorney General ruled that prison labor may not constitutionally be used to maintain or improve church property; the St. Louis Civil Liberties Committee opposed a tax-paid trip, later cancelled, by a member of the City Council to attend a Catholic ceremony in Rome; the ACLU of Southern California endorsed a ruling by the state Attorney General forbidding the use of Los Angeles County tax funds to support a religious drama; and the ACLU of Oregon opposed the display of Nativity scenes on public grounds in Portland and Salem. Reviewing such displays, the National Council of Churches declared: "Christians need ask themselves whether this is an appropriate purpose for tax funds paid by citizens of all faiths and none. Even more important, Christians should ask whether this is an effective use of the sacred symbol of the incarnation."

**OTHER ISSUES.** ACLU affiliates in Washington state and Illinois attacked the practice of making church attendance a condition of juvenile rehabilitation. The ACLU urged a stronger wording for inclusion in the Senate's foreign aid bill which would make clear the repugnance of the United States towards discrimination by foreign

nations, especially Arab countries, against American citizens because of their racial or religious background. The U.S. Court of Appeals reversed a lower court judgment and ordered a hearing on whether three convicts who were converted to the Black Muslim sect while in prison were sent into solitary confinement because of their new-found religious beliefs.

### 3. Problems of Conscience and Religious Freedom

The U.S. Supreme Court refused to review a Washington state Supreme Court decision holding that the state Bar Association had not been "arbitrary or capricious" when it refused permission to Robert Boland Brooks to take the bar examination because of a felony conviction arising from his conscientious objector status during World War II. The conviction, said the state court, marked him as a man "not of good moral character." A dissenting opinion declared there is "no rational connection" between Brooks' beliefs and his competence to practice law, pointing to other men who "preferred jail, rather than do what (their) consciences said (they) should not do." The Greater Philadelphia Branch urged legislation amending the Social Security Act to exempt any individual who is a member or adherent of any recognized church or religious sect whose teachings forbid its members from accepting social insurance benefits. This action came after an Amish believer refused to pay social security taxes. The affiliate did not intervene in this case because it was not practical or suitable under the present law, but backed a change of the law itself. Michigan State University was added to the growing list of colleges which replaced compulsory ROTC programs with voluntary programs.

## *GENERAL FREEDOM OF SPEECH AND ASSOCIATION*

### 1. Right of Movement

The State Department added Cuba to the list of countries U.S. citizens cannot visit without specific permission by the government, a restriction criticized by the ACLU as conflicting with the individual's right to travel, protected by the First and Fifth Amendments. The Union's position is that a passport can be denied only in time of war or if the individual is involved in a court action which requires him to remain in the country. In a letter to Secretary of State Dean Rusk, the ACLU conceded that while "freedom of movement is not an absolute right," mere changes in foreign policy should not "restrict the exercise of constitutional rights." Since "we are not at war," the letter declared, "such travelers should be permitted expressly to waive their right to protection if so they choose." A State Department reply agreed that the right to travel is a constitutionally protected privilege, disagreed that its action violated that right, and said that individuals have "no right to insist on or disavow" their government's protection. In a move liberalizing scientists' right to travel, the State Department

said that henceforth scientists generally will be permitted to attend international meetings at which Communist China is represented.

## 2. The Vote: Minority Parties and the Right to Franchise

**REAPPORTIONMENT.** A policy statement by the Board of Directors of the ACLU urged a change in the apportionment of state legislative districts to give all voters equal representation. State electoral districts should be based only on population, said the Union, since the "equal protection of the law" clause of the Fourteenth Amendment "would appear to require that there be no classification between voters." The Board of Directors' statement modified a 1959 stand which drew a distinction between those state legislative districts distributed according to popular representation—whose need for reapportionment was backed by the Union—and those established on the basis of geographical area. The new position makes no such distinction. The Union cited these typical figures to support its claim that present reapportionment denied equal protection by diluting the individual's right of franchise: 12 percent of the California population controls the state senate; 10 percent of Connecticut's population controls the lower house; before the recent court-ordered reapportionment in New Jersey, 20 percent of the population chose 62 percent of the state Senate. "These figures," said the statement, "illustrate that the Fourteenth Amendment's equal protection clause is not being respected in the vital area of electoral representation. The meaning of franchise—representation in the decision of government—is seriously weakened by the present arrangement."

Implementing its statement, the ACLU announced its support of two malapportionment cases now before the U.S. Supreme Court. A Tennessee suit, accepted for review, focuses on the failure to observe a state constitutional requirement for a decennial apportionment on the basis of population. A Michigan case, for which review is pending, challenges a 1952 amendment to the state constitution which, in effect, freezes the senatorial districts which had last been redistributed on the basis of population in 1925 (*See last year's Annual Report, pp. 33-34*). A significant case upon which the U.S. Supreme Court did rule involved the 1957 gerrymandering of Tuskegee, Alabama's boundaries by the state legislature which eliminated all but four or five of the city's Negro voters. The high court invalidated the statute as a violation of the Fifteenth Amendment which forbids denial of the vote because of race or color. The same point was made in a friend-of-the-court brief submitted by the Union, which said that "a state's recognized jurisdiction over its cities does not permit it to take actions which deprive citizens of rights guaranteed by the federal Constitution."

In the states, suits contesting unequal representation are before courts in Georgia, where the method of counting votes by "county units" is under attack; Indiana, where the ICLU asked a Federal District Court to force reapportionment of the legislature ("a self-perpetuating oligarchy") after state officials shrugged off as unenforceable a state Superior Court opinion which called the 40-year-old reapportionment laws "a degree of anarchy within our



government" and ruled them unconstitutional; New York, where a federal judge ordered a three-judge federal court test of the apportionment statute; and in Mississippi, where a taxpayers suit argued that since the last reapportionment in 1890 some voters now have 18 times more representation than others. The New Jersey legislature, under threat of action by the state Supreme Court to take matters into its own hands, finally approved a bill that reapportions 60 seats of the state's 21 counties for the first time since 1941.

**MINORITY PARTIES.** The ACLU argued vainly before two New York state courts against throwing out the nominating petition of the Socialist Labor Party candidates for President and Vice-President. The Union asked the courts to be guided by "proper legislative intent" to prevent fraud rather than the letter of the state election law in a challenge brought by the Democratic and Liberal parties. The parties objected to 48 out of 97 SLP signatures from one county because signers had designated a wrong election district although the SLP petition more than fulfilled the law's requirement for 50 signatures from every other county. The Union also asked the Governor of Alaska to liberalize the state's election code to permit the Socialist Workers Party a place on the ballot. Under an opinion by the state Attorney General, the SWP was refused a place on the ballot because it did not poll 10 percent of the total vote. The ACLU pointed out that under New York state law, a group that wins less than one percent of the vote is entitled to a line on the ballot. The ACLU of New Jersey came to the aid of the SWP when, at the affiliate's request, the state Attorney General ruled that the party's candidate for Governor did not have to sign a loyalty oath to run for office. Also protesting restriction on access to the ballot by third parties were ACLU affiliates in Detroit, Maryland and Ohio.

**LITERACY TESTS.** The New York Civil Liberties Union is challenging the constitutional requirement of literacy in the English language as a qualification for voting in the state. Supporting the case of Jose Camacho in the Federal District Court, the NYCLU declared that the requirement, applicable to about 100,000 New York residents who are literate in Spanish but not in English, violates the Fourteenth Amendment's protection of equal rights under the law. The NYCLU pointed out that with the rise of foreign language newspapers and radio programs, Spanish-speaking voters have access to information on political issues. "By preventing these people from voting," said the NYCLU, "we are depriving them of a basic democratic right: participation in the political process by which they can become citizens of the community in the true sense, and not merely residents." The Colorado Branch, ACLU complained that a natural-born citizen and a resident of the state for 15 years was denied the right to register because she did not speak English.

The Florida Civil Liberties Union won its appeal to the state Supreme Court testing the right of a voting register to drop a voter from the rolls without giving him a hearing; the Illinois Division objected to Governor William G. Stratton's request of all state employes



to reveal the parties for which they voted in the 1960 election; and the District of Columbia, for the first time in more than 160 years, will be able to vote for the next President and Vice-President with the ratification of the 23d Amendment. The battle for complete home rule in the nation's capital continues.

### 3. Right of Assembly in Public Facilities

**ROCKWELL CASE.** New York state's high judicial body, the Court of Appeals, unanimously affirmed without an opinion a lower court decision upholding the right of American Nazi Party leader George Lincoln Rockwell to speak at a public rally in a public square in New York City. The issue ended there when the U.S. Supreme Court declined to review the case. The New York Civil Liberties Union provided counsel for Rockwell in the belief that the vital civil liberties issue involved in the case—his right to speak without governmental pre-censorship—demanded a court test despite the "hateful character" of Rockwell's views (*See last year's Annual Report, pp. 35-36*). The lower court agreed with this contention. Said the majority opinion of the lower court: "If the speaker incites others to immediate unlawful action, he may be punished . . . but this is not to be confused with unlawful action from others who seek unlawfully to suppress or punish the speaker. The unpopularity of views, their shocking quality . . . and even their alarming impact is not enough. Otherwise the preacher of any strange doctrine could be stopped." Meanwhile, the much-traveled Rockwell continued to make news—and involve ACLU affiliates—in other cities. In each case the Union said that despite Rockwell's obnoxious ideology, the First Amendment guaranteed him the right to express his opinion. The Louisiana CLU defended Rockwell's right to picket a New Orleans movie house showing *Exodus* and filed an appeal on his conviction for conspiring to breach the peace. The Greater Philadelphia Branch succeeded in persuading city police to destroy the arrest records of 23 persons, members of a milling crowd of 75 who picketed and counterpicketed Rockwell's demonstration before a theatre showing *Exodus* and who were falsely arrested on charges of inciting to riot. And the CLU of Massachusetts deplored mob violence that prevented Rockwell from picketing the same film in Boston. The affiliate also opposed a move, later dropped, by the state Subversive Activities Commission, to subpoena members of the American Nazi Party for investigation.

**USE OF PUBLIC SCHOOLS.** A California law that required organizations seeking to use public school facilities to sign loyalty oaths was declared unconstitutional by the state Supreme Court. The U.S. Supreme Court refused to review the case. The verdict ended prolonged litigation between the ACLU of Southern California and the cities of Los Angeles and San Diego, and substantiated the affiliate's belief that the oath abridges both federal and state constitutional guarantees of free speech and assembly. The opinion said that the demand for a "statement of information" assuring officials that the facilities would not be used to further a forcible overthrow of the government was

"a prior restraint on the rights of free speech. While the state is under no duty to make school buildings available for public meetings," added the opinion, "if it elects to do so it cannot arbitrarily prevent any member of the public from holding such meetings . . . or make the privilege of holding them dependent on conditions that would deprive (them) of their constitutional rights." Citing the decision as precedent, the City Council of Berkeley repealed its loyalty oath requirement for the use of public parks.

The Houston school board formally voted to require a non-Communist loyalty oath from groups seeking to use its facilities after it had denied a school auditorium to the Greater Houston ACLU. Houston's distinction—it is the only city in the country where the Union has been similarly denied—was promptly assailed by the *Houston Chronicle* as "deplorable," and by a local pastor who stamped it as "the first terrible step toward the loss of our freedom." The ACLU affiliate said the oath was "contrary to the concept that free men in a free society are assumed loyal until proved otherwise by due process of law." The controversy arose when a local school board member dredged up criticism of the ACLU made by the American Legion in advance of an address by Patrick Murphy Malin to the Greater Houston Affiliate. The speech was later heard in the union hall of the Communications Workers of America.

**PUBLIC MEETINGS.** The Fair Play for Cuba Committee, a group which supports the Fidel Castro regime, was involved in several incidents when it sought to bring its case before the public. In Los Angeles, a Superior Court judge handed down an important decision when he prevented the owner of a private hall from cancelling a lease with the Committee for a public hearing. It was the first time in many years that a judge had upheld the right of a politically unpopular group to hold such a gathering. The ACLU of Washington charged that Seattle police failed to protect the constitutional rights of Committee pickets, who finally were forced to disperse their line before the Federal Office Building. And in Rhode Island, the ACLU affiliate promised to back student members of the Committee if they chose to demonstrate a second time. Police broke up the first protest before the pickets got underway. An open meeting of the Urban League in Buffalo at which the pros and cons of the Cuban revolution were argued was diligently attended by the police Anti-Subversive Squad, who stood by to hear themselves denounced. The Niagara Frontier (Buffalo) Branch has compiled its own dossier of civil liberties violations by the Squad, including their practice of recording the license numbers of cars belonging to persons attending liberal meetings.

Washington Square in Manhattan's Greenwich Village was enlivened on successive Sundays by rioting, the result of a Park Department ban on folk singers who, weather permitting, traditionally entertain themselves and hundreds of passing tourists. The crowds, and alleged damage to grass, led the Department to prohibit the troubadours by refusing them a permit although a permit had never been required before. A lower court affirmed the ban but, defended by the New York Civil Liberties Union, the folk singers took their case to the Appellate

Division of the state Supreme Court and won. In Portland, Ore., the City Council repealed an unconstitutional section of the police code which forbade religious and political meetings in city-owned parks and recreation areas. For the first time in three years, "peace walkers" in Minneapolis were able to use a public park. The ACLU of Northern California protested the refusal of Oakland authorities to grant the use of a public hall for an address by physicist Linus Pauling, and the Florida Civil Liberties Union is appealing in court the refusal of Miami officials to allow a political organization to use a public park.

#### 4. State and Local Controls

**RIGHT TO LICENSE.** For a full decade, the case of George Anastaplo has shuttled between the Committee on Character and Fitness of the Illinois Bar and the state Supreme Court. It finally went to the U.S. Supreme Court, where it was lost. Anastaplo's contention, supported by the Illinois Division in a friend-of-the-court brief, that he had a right—on principle—to refuse to answer any questions concerning Communist or other political affiliations, and even the right to disobey the high court itself if it "so perverted the Constitution" as to destroy it. The tribunal rejected this reasoning on the grounds that the state has a prevailing interest "in having lawyers who are devoted to the law in its broadest sense." Anastaplo's refusals were made on the grounds of principle alone. No one had ever questioned his fitness—or accused him of belonging to the Communist Party or the Ku Klux Klan. Another unusual issue involving a lawyer was raised by Trayton L. Lathrop, a Wisconsin attorney, who fought compulsory membership in the state Bar Association as a violation of the First Amendment's freedom of association—or non-association. The U.S. Supreme Court turned down his appeal.

In California, which narrowly defeated a bill to disbar attorneys on the grounds of mere membership in "subversive" organizations, lawyer Raphael Konigsberg lost an appeal to the U.S. Supreme Court in a narrowly split decision assailed in a minority opinion as "cutting the heart out of First Amendment freedoms." Konigsberg, backed by the ACLU of Southern California for seven years, had challenged the right of the Bar Association to question him on his alleged membership in the Communist Party. The majority opinion of the high court rejected "the view that freedom of speech and association as protected by the First and Fourteenth Amendments are 'absolutes.'" On appeal to the California Supreme Court is another test case, brought by the affiliate's counsel, A. L. Wirin, challenging a loyalty oath for public officials, including notaries (*See last year's Annual Report, p. 37*). The Pittsburgh Chapter of the Pennsylvania ACLU backed an attorney who won his appeal in the state Supreme Court on a lower court's disbarment order—on the grounds of Communist Party membership.

**SOCIAL WELFARE.** The Louisiana legislature sought to end relief payments to mothers of children born out of wedlock—a bill aimed at eliminating 23,000 children, mostly Negroes—from welfare rolls

and it took an order from the federal Commissioner of Social Security to stop it. The ACLU sharply assailed the legislation as "part of the state's militant opposition to any attempt at desegregation" and condemned it on constitutional grounds as a violation of equal protection and due process provisions of the Fourteenth Amendment by "invidiously" discriminating against children born out of wedlock.

The Iowa Civil Liberties Union won a first-round legal victory when a county district judge ruled unconstitutional a state law providing for the deportation of one year non-residents who have gone on relief. If an alien has the right to enter and live in any state in the Union, said the judge, "it is difficult, if not impossible, to answer the argument here advanced that a citizen of the United States should have the same privilege." In two instances, a 300-year-old Connecticut law similar to the Iowa statute was mooted in court tests endorsed by the CCLU when state welfare officials decided that the individuals were entitled to federally-subsidized relief benefits.

**OTHER CASES.** An ultra-right wing political group in Portland, Ore. was refused the right by the City Council to solicit public funds. The ACLU of Oregon, while not defending the political views of the organization, "Freedom Center, Inc.," questioned the legality of an ordinance requiring a permit for financial solicitations. The ACLU of Pennsylvania opposed an amendment to the state solicitation law that granted administrative discretion to refuse a permit to a charity deemed "improper" or "inimical to the public welfare." The Utah Civil Liberties Union sought a court challenge of the state's anti-miscegenation law, but the case was mooted when the Nisei boy and white girl were married out of the state. Wyoming and Arizona also bar such marriages; Colorado, Idaho, Nevada do not.

## 5. Congressional Action

**THE COURTS.** The ACLU expressed "deep disappointment" over two 5-4 decisions by the U.S. Supreme Court which upheld the broad investigating powers of the House Un-American Activities Committee by affirming the contempt of Congress convictions of Frank Wilkinson, for whom it provided the legal defense, and Carl Braden (*See last year's Annual Report, p. 39*). Both had refused to answer charges that they were members of the Communist Party, claiming freedom of speech and association protections guaranteed by the First Amendment. The court's majority opinion held, however, that just because a person was a critic of the HUAC, this did not immunize him from investigation if the committee had reason to believe he had Communist affiliations.

The Union declared that the court's verdict "once again has assigned the constitutional rights of the individual to a secondary position." The reference was to the 1959 *Barenblatt* case, for which the Union provided legal defense, in which the court decided that the compelling need for national security outweighed First Amendment protections, and that HUAC investigations in this area have wide and persuasive mandate. Thus, said the Union, "the wheel turns full circle, from validating the authority of a congressional committee to investigate 'un-American

propaganda' to compelling political disclosure by persons who dare use their First Amendment guarantees of free speech to criticize such investigation. This gross attack on the First Amendment is sharply illustrated by the fact that Wilkinson was not subpoenaed until after the HUAC had learned he had arrived in Atlanta to 'develop a hostile sentiment to the Committee for the purpose of undertaking to bring pressure upon the United States Congress to preclude these particular hearings.' . . . The practical effect of the majority's statement is to silence all critics not prepared to testify about their motivations," said the ACLU. The high court minority went even further. They charged that the majority had paved the way for the HUAC to intimidate its critics by investigating them. "The clear thrust of this sweeping abdication of judicial power," wrote Justices Black and Douglas, "is that the Committee may continue to harass its opponents with absolute impunity as long as the 'protections' of *Barenblatt* are observed." In a petition for a re-hearing, also denied by the court, the ACLU asked for a clear definition of permissible lobbying, else "no person, be he a Communist or not, can publicly petition in opposition to any committee of Congress without fear of being subpoenaed to account for his motives."

Faced by such slender restraints upon the HUAC, the Union called on the general public, through newspapers, civic groups, and personal messages to Congressmen, to "recognize their responsibilities to maintain the freedoms of the Bill of Rights" by opposing the continued depredations of the HUAC. Said the Union: "Those who are not Communists or Communist dupes and fully understand the evil of all totalitarianism, are simply concerned that freedom prevail in our country, especially at this time of history when our principles are being tested in the fires of international conflict."

The high court split on two other contempt of Congress convictions. It reversed the conviction of scientist Bernard Deutsch, on the ground that questions put to him by the HUAC during a 1954 hearing were not pertinent. It was the first time since 1958 that the court had reversed a contempt of Congress conviction. The tribunal affirmed the sentence, however, of Arthur M. McPhaul, who refused to comply with an HUAC subpoena to appear with the records of the Civil Rights Congress in 1952. The U.S. Supreme Court, on technical grounds, also upheld the contempt convictions of three persons who had defied the questions of the Ohio Un-American Activities Committee while it reversed the convictions of two others. That the high court will continue to examine the individual cases of many persons convicted of contempt of Congress convictions was indicated by its acceptance for review of six such cases arising out of refusals to testify before Senate and House committees. The six are: Alden Whitman and Robert Shelton, copy readers for *The New York Times*; Norton Anthony Russell, an Ohio engineer; Herman Liveright, a former New Orleans TV employee; William A. Price, former New York *Daily News* reporter; and Robert T. Gojack, Ohio trade unionist.

In lower federal courts, folk singer Pete Seeger planned to appeal a one-year prison term for refusing to tell the HUAC about possible

Communist affiliations; the ACLU of Southern California appealed for review to the U.S. Supreme Court the case of Los Angeles newsman Donald Wheeldin; Buffalo, N.Y. machine operator Sidney Turoff, who testified about himself before the HUAC but refused to name names of past Communist Party members, was ordered to receive a new trial by the Court of Appeals for the Second Circuit on the technicality that the prosecution had read irrelevant portions of his HUAC testimony before the trial court; California broadcaster Louis Hartman's contempt conviction is on appeal to the high court.

**HOUSE UN-AMERICAN ACTIVITIES COMMITTEE.** In view of the U.S. Supreme Court decisions in the *Barenblatt* and *Wilkinson* cases, the ACLU opened a long-range campaign to awaken the public to the violations of civil liberties committed by the HUAC. The final aim was to seek elimination of the Committee through legislative means, now that judicial avenues appear all but closed. Towards this end, the Union opened a massive educational drive, including the placement of magazine articles, distribution of hundreds of thousands of copies of newspaper articles, editorials, testimony, and public statements; purchase of a film of a TV debate between HUAC and anti-HUAC spokesmen as well as a tape recording of a similar exchange; personal letters to Congressmen. This wide assortment of materials stresses not only the Union's major constitutional opposition to the HUAC—that the First Amendment bars the Congress from probing an individual's beliefs and associations—but the HUAC's waste of public funds, its duplication of the work of other committees, and its lamentable legislative record (since the HUAC's origin in 1938 only two laws have been passed on its recommendation: the 1950 Internal Security Act and the 1954 Communist-Control Act). Unintentionally, the HUAC itself gave new impetus to the campaign by sponsoring the film, *Operation Abolition*, a myopic view of the demonstration led by students at San Francisco committee hearings last year. At every opportunity, ACLU affiliates sought publicly to refute the film's distortions without attempting to prevent the showings. Following its traditional anti-censorship stand, the Union urged that in the spirit of free discussion, local groups sponsoring a showing of the film should provide time to critics of the movie so that a true picture of the demonstration and the opposition to the HUAC could be presented (see below). One typical HUAC investigation criticized by the ACLU was its probe of the Fund for Social Analysis, which makes grants-in-aid for research "into questions of Marxist theory and its application." The Union warned that if the government moved "against any research and publication—as such—in the economic and political area, the whole atmosphere of free speech and free press will be poisoned."

In a footnote to the anti-HUAC San Francisco demonstration (*See last year's Annual Report, pp. 40-41*), the only arrested student whose case was remanded for trial was acquitted by a Superior Court jury in less than three hours of deliberation. The youth, Robert Meisenbach, was among 68 students arrested in the melee. A young lady among those arrested later lost her job with a private foundation, an action condemned by the ACLU of Northern California. The affiliate also

attacked police for the release of "mug shots" of the pickets, which were reproduced on a circular defending the HUAC.

The ACLU of New Jersey strongly protested the firing of an assistant manager in a Princeton hotel whose name appeared in a newspaper ad as a signer of an anti-HUAC petition. The Niagara Frontier (Buffalo) Branch of the Union submitted a friend-of-the-court brief for three Westinghouse employees who won their fight for reinstatement on appeal to a higher state court after refusing to answer the HUAC's questions. The Branch also ridiculed the Anti-Subversive Squad of the Buffalo police, which began an investigation of "mysterious" handbills at the University of Buffalo only to discover they were reprints of a newspaper ad calling for the abolition of the HUAC. The Illinois Division, in another anti-HUAC handbill case, protested the arrest of four persons who distributed Congressman James Roosevelt's attack on the committee. The charges were dismissed by Chicago's Corporation Counsel.

**"OPERATION ABOLITION."** The film *Operation Abolition* was produced by a Washington, D.C. commercial film studio from newsreel clips of the San Francisco riots subpoenaed by the HUAC, whose members provide commentary for the "documentary." The narrative, as well as the filmed selections, attempts to portray the HUAC as a fearless crusader against Communist infiltration and its opponents, particularly in San Francisco, as Communists or Communist dupes. Since it was issued in July, 1960, *Operation Abolition* has been shown thousands of times, most often by members of the American Legion and the John Birch Society, but also by school boards, police units, and other municipal agencies. An earlier—and equally distorted view of history—is the film *Communism on the Map*, prepared by the far right Harding College of Searcy, Ark. This film implies that former Presidents Roosevelt, Truman and Eisenhower did virtually nothing to stop the spread of Communism. One of the most celebrated incidents involving an exhibition of these films occurred when Michigan Governor John B. Swainson ordered the state police to stop showing the movies to civic, school and professional groups. Expressing a view shared by the ACLU, Governor Swainson declared that as "commercial representations (they) have drawn criticism from many quarters . . . contain inaccuracies and distortions as well as conclusions not warranted by the facts (and) harm rather than advance the purpose of an intelligent anti-Communist program. If private organizations wish to show the film," he said, that is their "prerogative in a free society. But to allow organizations such as the state police to become involved in needless controversy is unthinkable." The Metropolitan Detroit Branch of the ACLU and the Union's executive director, Patrick Murphy Malin, praised Governor Swainson's action and comment. Declaring that the film is being used to undermine the "basic American principle of dissent," Malin said that "we are especially concerned with its use by state agencies without accompanying material" to expose its inaccuracies. Malin emphasized the Union's opposition to censorship or suppression of the film, but added that public analysis was essential to a proper understanding of the film's distortions.



The Niagara Frontier (Buffalo) Branch was one of several ACLU affiliates that provided such ammunition by drawing up a fact sheet and making available speakers for showings of the movie. The Maryland Civil Liberties Union persuaded the American Legion to a public debate on the film after the Legion originally declined. In Louisville, where the *Courier-Journal* called *Operation Abolition* "quite cynically dishonest," the Kentucky Civil Liberties Union won agreement from the school boards in Louisville and Jefferson County not to show the film without an explanation that it is controversial. The Miami school board filed away the Florida Civil Liberties Union's suggestion that the film not be shown to school children without a pro-and-con discussion giving them "the whole picture." Police in Upper Darby, Pa., ceased exhibiting the movie after the ACLU of Pennsylvania protested that two uniformed members of the force ran the projectors at a Kiwanis Club meeting. And in Connecticut, the CCLU trained a special corps of speakers that scored considerable success in presenting the civil liberties position at public gatherings. To counterbalance the hostile community reaction towards constitutional freedom that showings of the film often engendered, the ACLU counseled with numerous national and local organizations.

**SMITH ACT.** After hearing argument for the third time, the U.S. Supreme Court upheld the constitutionality of the membership clause of the Smith Act which makes it a crime knowingly to belong to a party that advocates the forcible overthrow of the government. It also upheld the legality of the 1953 order by the Subversive Activities Control Board—issued under the 1950 Internal Security Act—that the Communist Party must publicly register. Both verdicts were deplored by the ACLU as eroding the First Amendment guarantees of freedom of speech and association. In support of a re-hearing on the registration provision of the Internal Security Act, (which was denied) the Union made public a detailed analysis and summary of both decisions.

The membership clause of the Smith Act was upheld in the case of Junius Scales, former Carolinas chairman of the Communist Party, who is no longer a member. In a companion case, that of John Francis Noto, ex-secretary of the Party in New York State, the court reversed a conviction for lack of evidence that he had actual knowledge of the group's purportedly unlawful objectives. The ACLU welcomed the distinction as a warning that the Court "will not tolerate wholesale prosecution of members of the Communist Party," but it added that no matter how the government proceeds, the *Scales* verdict "strikes at the heart of the First Amendment guarantee that freedom of association, unrelated to the performance of an illegal act, is inviolate. This decision," argued the Union, "vitiates the First Amendment by placing every individual on notice that he joins organizations under peril of future criminal prosecution. It puts a premium on an ignorant, not an enlightened citizenry. It requires that a person who considers joining any organization must do so either without regard for its stated purposes or, to protect himself, attempt from the outside, to look behind such purposes to find the 'real' motives of the organization. Either procedure places extra burdens on the right of free association."



While "deeply regretting" the high court's decision upholding the registration provision of the Internal Security Act, the ACLU noted that "for the first time in American history, the requirement that an organization register because of the content of its political program has been given constitutional sanction." While applauding the court's statement that its verdict does not validate congressional power to "impose similar requirements upon any group which pursues unpopular objectives or which expresses an unpopular political ideology," the Union said that taken in context with other recent opinions that "relegated the First Amendment (rights) to a secondary position," the latest verdict "seriously weakens" the basic principles of freedom from which the nation draws its strength. In addition to the First Amendment issue, the Union objected to the registration provision as a violation of the Fifth Amendment right against self-incrimination because of the Smith Act's application to Communist Party officers. "Despite the Court's statement that it was deciding only the constitutionality of the registration provisions and not the penalties flowing from such registration, the self-incrimination issue is a thorny problem which cannot be brushed aside," said the statement. "The registration provision cannot be isolated, and we agree with the minority view that the decision directly violates the self-incrimination privilege."

Former Illinois Communist Party chairman Gilbert Green was indicted under the membership clause of the Smith Act but the ACLU, in a letter to the U.S. Attorney General, asked that the prosecution not be pushed. Further prosecutions of Green, or other Communist Party officials, said the Union, are restraints of free speech and association "which have no practical necessity," and which, in addition, appear to be "vindictive harassment of anyone already penalized for preaching even what is loathsome to you or me and almost everybody else." The ACLU pointed out that it has been opposed to the "anti-advocacy" provisions of the Smith Act "long before the Communists came to oppose it and, indeed, in cases where they favored its application! Our opposition is grounded solely on the free speech principle that there should be no governmental restriction on advocacy of any sort unless it causes 'a clear and present danger' of illegal action." Green has already served two prison terms: for conspiring to teach or advocate the violent overthrow of the government; for contempt of court for trying to escape his sentence by fleeing.

**JOHN BIRCH SOCIETY.** The ACLU defended the right of the John Birch Society to express its views, even though it may harm civil liberties by making people afraid to speak out, "lest they, too, be called 'part of the Communist apparatus.'" The Union position was made clear in a letter to HUAC chairman Francis E. Walter, who issued instructions for a preliminary investigation of the Birchers. The action was never followed up. In opposing governmental investigation of political opinion, the Union said that the best way to combat the Society's assault upon the First Amendment "is for the people themselves, in public meetings, . . . to refute the Society's scurrilous attacks. . . . This method of counteracting speech, rather than govern-

ment coercion, is the way to deal with all forces which seek to weaken our free society." Also in Congress, 18 lawmakers who themselves strongly disagree with the Society took a public stand against a legislative investigation of it. On the state level, the ACLU of Washington state opposed moves to investigate the group while the ACLU of Southern California did the same. The Attorney General of California, while likening the monolithic, dictatorial organization of the Society to that of the Communist Party, ridiculed the group as "pathetic" in also opposing any investigation of it.

The rapid emergence of the John Birch Society was evidence of a boom currently enjoyed by similar right-wing organizations. This rise has been marked by the growth of organized anti-Communist "Americanism schools" which spawn crusades that frequently threaten the full exercise of civil liberties. The St. Louis Civil Liberties Committee urged its members to attend one such local school in order to get an authentic picture of how such groups operate. The recently-formed ACLU of Utah received a firsthand learning experience at the hands of a local Americanism school which smeared the affiliate along with other organizations. Rapidly launching a counterattack, the ACLU of Utah banded together Young Democrats, Young Republicans, church organizations, educational groups and other civil liberties organizations into a new unit, Citizens for Freedom, which obtained widespread support. Endorsement also came from a local Chamber of Commerce, which originally had sponsored the super-patriotic crusade. As a result of such action when the affiliate sponsored an anti-HUAC meeting featuring a showing of *Operation Abolition*, 300 people attended instead of the 50 to 100 who were expected.

Another example of the resurgence in far-right wing activity was the active participation by some members of the military in such extreme movements, lending a tone of government sponsorship or—at the least—government endorsement. The Illinois Division, ACLU first brought this problem to public attention when it protested the use of Glenview Naval Air Station and Navy personnel for an "Education for American Security" program which attacked (in the name of anti-Communism) the Ford Foundation, the Fund for the Republic and the Book Review sections of *The New York Times* and *Herald Tribune*. The protest and ensuing publicity led to Senatorial action and a Department of Defense directive curbing military participation in such educational endeavors.

When Major General Edwin A. Walker, commander of the 24th Infantry Division in Germany, was officially rebuked for speeches impugning the loyalty of such prominent Americans as former President Truman, Eleanor Roosevelt and Dean Acheson, the ACLU said no civil liberties issue was present, adding, "In our democratic society a clear division must be made between a military figure speaking on military subjects and not publicly commenting on matters reserved for civilian debate." As the issue continued to strike public attention, the Union began a study of the general problem of freedom of expression for military personnel.

## LABOR

**POLITICAL ACTION.** The U.S. Supreme Court declared that union members who disagreed with the political stand taken by their union should get a refund of their dues in proportion to the amount spent on politics. The majority did not rule on the constitutional issues raised in the appeal by the International Association of Machinists from a Georgia Supreme Court ruling. Dissenters on the high court said there was nothing unconstitutional in letting a majority speak for the political views of the entire group. In a statement issued by the ACLU Board of Directors last year, the Union accepted this view, noting that so long as dissenting union members have an effective right to participate in the decision-making process within the union, including the right to vote for union officials of their choice, they are not deprived of their civil liberties. The ACLU of Southern California, meanwhile, appealed to the U.S. Supreme Court to reverse the dismissal of a public employee who publicly criticized superiors for not granting workers a cost-of-living increase. The affiliate declared that public employees have a right to express critical opinions on economic and political subjects without fear of reprisal.

**WORKERS' RIGHTS.** In the first major test of the "Bill of Rights" provisions of the federal Labor-Management Reporting and Disclosure Act two Chicago tool-and-die makers sued in the Federal District Court for damages and reinstatement in their union, the International Association of Machinists. The two men, Irwin Rappaport and Marion Ciepley, were expelled by the IAM after they led a successful drive to oust a corrupt local administration. Their case, which since then has drawn considerable attention (*See Annual Report, 1958-1959, p. 62*), from outside labor's ranks, was based on charges that they were deprived of rights of freedom of speech, association and petition and that they were denied a hearing on their expulsion. In another case involving the IAM, the ACLU of Southern California won in the state District Court of Appeals the cases of two union members expelled because they publicly campaigned in favor of a state right-to-work law. The IAM strongly opposed such laws. The affiliate's friend-of-the-court brief declared that the threat to union strength posed by freely expressed political differences is not so "awesome" as to justify restricting basic rights. "In today's industrial society," said the brief, "fealty to the trade union cannot be so all-embracing that outspoken opposition can be equated with 'disloyalty' and be made grounds for exclusion." In a similar case derived from the delicate problem of intra-union discipline, the Wisconsin Supreme Court reversed a ruling by a state board and declared that unions may fine members who cross its picket lines. The New York Civil Liberties Union urged revision of the state's Condon-Wadlin Act, which bars strikes by public employees and provides for automatic dismissal for such workers who do walk off the job. The NYCLU said that the prohibition against strikes should be limited to stoppages causing "irreparable harm" to the community—but only if such limits are coupled with effective grievance procedure.

**LOYALTY AND SECURITY.** The U.S. Supreme Court refused to consider the appeal of seven persons in Cleveland, including four union members, all of whom were convicted of conspiracy in falsifying the non-Communist affidavits of two of the defendants. It was the government's contention that in order to bypass the affidavit requirement, Communist Party policy dictated to members falsely to quit the party. The Ohio Civil Liberties Union, in a report issued by the Cleveland Branch, said such reasoning "damned the defendants from the beginning" without any proof of conspiratorial connections. A second questionable conspiracy prosecution under the non-Communist oath provision of the Taft-Hartley Act is aimed at 11 leaders of the Mine, Mill and Smelter Workers. Their case will be heard by a U.S. Court of Appeals.

**BIAS.** The National Association for the Advancement of Colored People continued to express impatience over the pace of AFL-CIO efforts to move against discrimination in its own house. Many unions—especially craft and construction trade unions—in the North still bar Negroes from apprenticeship program, send their few Negro members to menial jobs, and segregate them in all-black locals. A kinder view of AFL-CIO progress was taken by the Jewish Labor Committee, which said the federation "had made deep inroads" in wiping out internal discrimination. One such inroad was the hiring of the first Negro electrician on a government job in Washington, D.C. The all-white Local 26 of the International Brotherhood of Electrical Workers had resisted the pressure of government, its own international officers, and the AFL-CIO for years until it finally was confronted with the threat of a government court suit which would force the contractor to put a Negro on the job without the local's approval. This would have jeopardized the local's hiring hall arrangements—through which it controls job assignments—and so it finally surrendered on this specific case. On the more encouraging side, but also requiring the threat of legal action, the plumbers union in New York state accepted its first Negro applicant for apprenticeship training. The NAACP promised to carry its protest to the state Attorney General. The U.S. Labor Department supported the United Auto Workers in the UAW's year-long imposition of a trusteeship of a Memphis local that refused to desegregate washrooms and drinking fountains in its meeting hall. The local had appealed the trusteeship under the Labor-Management Reporting and Disclosure Act.

# EQUALITY BEFORE THE LAW

## *THE FEDERAL SCENE*

**JOB DISCRIMINATION.** Choosing to exercise his executive authority rather than attempting to push reforms through a narrowly divided Congress, President Kennedy established a Committee on Equal Employment Opportunity to enforce non-discriminatory hiring by government contractors. The Committee, headed by Vice-President Johnson, pledged itself to cancel contracts with any employer who does not comply. One of the group's first tests was raised by the NAACP regarding conditions at the Marietta, Ga. plant of the Lockheed Corporation which has a ten-year \$1 billion contract to produce jet transport planes for the Air Force. The NAACP charged "overt discrimination" at the huge plant, including exclusion of Negroes from plant apprenticeship programs, restriction to unskilled and semi-skilled jobs, even punching in at segregated time-clocks—all of which made a "shameful mockery" of the President's Executive Order. The charges, investigated by the Air Force and the Committee, were largely substantiated. Lockheed then promised to review its over-all practices and signed an agreement with the Committee to improve Negroes' opportunity for jobs and promotions. The pact, the first of several signed by such leading contractors as General Electric and RCA, guarantees non-discriminatory hiring, dismissals, lay-offs and transfers. The companies also pledged to recruit actively qualified Negro employees through Negro colleges, civic groups, and newspapers.

Within the government, a survey by the President's Committee on Equal Job Opportunity found an 87 percent increase within the last four years in the number of Negroes holding upper grade white collar jobs with federal agencies. Most of the total increase—from 5,000 to 9,300—occurred on lower rungs of the ladder. A broad survey of Negro servicemen and veterans by a 40-man research team of the American Veterans Committee disclosed several areas of continuing discrimination: Negro veterans unable to use GI-on-the-job training because of the lack of job opportunities; "abysmal" discouragement in seeking business and farm loans because almost none are given; "nearly-non-existent" employment of Negro veterans in southern federal agencies. The study concluded that in the National Guard unequal treatment is standard in 16 states as well as at local levels. In the National Guard Bureau at the Pentagon, said the report, there is not a single Jewish or Negro officer, not a single Negro civilian in the higher grades. The AVC urged the federal government to withhold funds to such National Guard units, but a Pentagon reply denied the feasibility of such action, pointing out that when a National Guard unit is called up, it is subject to integration policies already in effect in the armed forces.

**THE COURTS.** The U.S. Supreme Court ruled that the Interstate Commerce Act forbids discrimination at eating facilities used by interstate buses but did not pass upon two constitutional issues raised by the NAACP: that the arrest of former Howard University law

student Bruce Boynton and his \$10 fine for trespass was an unreasonable burden on interstate commerce and, second, that it denied him equal protection of the law. The verdict did not prevent violence and bloodshed in Alabama several months later when Freedom Riders tried to break down racial barriers at Birmingham and Montgomery bus terminals (see below). In direct consequence of the melee, however, the Justice Department urged the Interstate Commerce Commission to forbid such segregation by its own edict. Following hearings, the ICC did just that. It barred interstate carriers from using segregated terminal facilities, and ordered buses holding common carrier permits to display signs announcing that seating aboard the bus is "without regard to race, color, creed or national origin."

The U.S. Supreme Court agreed to review the convictions of three "sit-in" demonstrators arrested in a Greyhound Bus Terminal in Baton Rouge, La. Earlier the tribunal had refused to review an appeal by a dozen persons, supported by the Florida Civil Liberties Union, who were arrested while requesting service at a Woolworth's store in Tallahassee. Though the court gave no reason for either decision, it appears that review of the latter case was refused on technical procedural grounds. The ACLU sought the release of Freedom Rider Elizabeth Wyckoff from a Mississippi jail on an original writ of *habeas corpus* asked of the U.S. Supreme Court. The high court, which has not issued such an original writ for more than 60 years, did not break precedent.

**VOTING.** The stiffest order yet issued by a federal judge to end ballot discrimination against Negroes was issued by Judge Frank M. Johnson, Jr., who ordered the names of 64 Alabama Negroes put on the voting lists within 10 days and who told registrars that in the future they are prohibited from administering qualifying tests to Negroes "in any way different" from those given to white applicants. The yardstick for qualifying Negroes, Judge Johnson declared, was the performance of "the least qualified white applicant." Other suits brought by the Justice Department to end ballot box discrimination against Negroes took place in Louisiana, and Mississippi. The Civil Rights Commission reported that varying degrees of voting discrimination were in force in 100 counties of eight states. Since 1947, the Commission said, the number of registered Negroes in twelve southern states had more than doubled. But the latest figure of 1,361,944 is still only twenty percent of the number of Negroes of voting age in the area.

**CIVIL RIGHTS COMMISSION.** The Civil Rights Commission urged President Kennedy to issue an executive order banning racial discrimination in federally-aided housing or by government supervised mortgage lenders, a policy long endorsed by the ACLU. The far-reaching request by the six-man Commission was based on the need to correct a situation whereby "federal resources are utilized to accentuate" discrimination while the government itself "has done virtually nothing" to stop it. In other recommendations, the Commission called on Congress to require every segregated school district to submit plans to the government for a first step towards desegregation; and proposed that the federal government withhold aid from public colleges

and universities that excluded or discriminated against Negro applicants. The Congress extended the life of the Commission for two more years.

## *STATE AND LOCAL ACTION*

Against the rising tempo of Negro impatience with social and legal roadblocks obstructing desegregation, the South rapidly moved towards its year of decision. Lunch counter sit-ins, followed by bus terminal "Freedom Riders," church "kneel-ins," beach "wade-ins" library "read-ins" left hardly a custom that was not under direct challenge from a new generation of highly sophisticated, highly determined, highly courageous young Negroes. Perhaps the most optimistic report of the effect of the broad attack on segregated institutions came from the most qualified individual to make it: Rev. Martin Luther King, who began the new era of Negro militancy by leading the successful Montgomery bus boycott of 1956. The Rev. King said: "We are seeing the last days of massive resistance to integration. It is moving towards its last days in the few states, such as Mississippi, Alabama and South Carolina, where it still exists. In 10 years all major urban centers in the U.S. will be desegregated. By the end of the century we will have a truly desegregated society."

**FREEDOM RIDES.** If the Rev. King is right, among the most significant milestones on the way to equality will prove to be the Freedom Rides of 1961. The first sign of trouble occurred in Anniston, Ala., where a bus carrying Negro and white members of the Committee on Racial Equality was forced off the highway and burned, and some of its occupants beaten by a gang of 10 whites. A second bus, arriving in Birmingham, was quickly surrounded by a mob of whites. Though only two months earlier a three-judge federal court had ordered all segregation in Birmingham's terminal station "obliterated," when integrationists headed for the lunch counters they were seized, stomped, and pounded with clubs and fists. The ACLU immediately demanded "swift action" by the federal government to protect the rights to peaceful expression guaranteed by the First Amendment. A telegram to the U.S. Attorney General charged that "the failure of local police to come to the aid of the persons assaulted . . . is tantamount to acquiescing in the attack itself and thus comes under the federal Civil Rights Act prohibition against any public official 'acting under color of law' denying another person his civil rights . . . Personal security, particularly where it is directly connected with First Amendment rights of peaceful expression, as in the case of the traveling CORE group, must be vigorously defended."

The need for swift action came faster than anyone expected. Moving on to Montgomery, another CORE troupe was attacked by howling mobs who also threatened a Negro church. Without hesitation, the Justice Department rushed more than 500 federal marshals to the capital city to maintain order. "This is an ugly situation," said Alabama's Director of Public Safety. It was. But a sullen peace was kept. Freedom Riders rejected a Justice Department plea for a cooling-off period, while CORE and other groups continued their journey to the



next stop: Jackson, Miss. Here, with elaborate courtesy, local officials quickly and quietly hustled the Freedom Riders off to the county jail for breaching the peace by violating the state's segregation laws. Before they stopped coming, 307 had been arrested from all parts of the nation and their appeals, backed by a cooperating ACLU attorney, were scheduled to be heard in pairs for five months. The basis of appeal was twofold: the U.S. Supreme Court verdict in the *Boynton* case and the challenge of the state's breach-of-the-peace law as enacted chiefly to preserve segregation. Previously, the ACLU filed a *habeas corpus* petition with a federal judge, but it was denied on the grounds that state remedies had not yet been completely exhausted. While the legal outcome of the Freedom Riders' cases was not clear, one post-script was already written: The Greyhound Bus Lines Terminal in Montgomery took down its signs for colored and white intrastate passenger waiting rooms.

**SIT-INS.** Fresh sit-in prosecutions and old sit-in appeals continued to make their appearance in courtrooms throughout the South. A Virginia anti-trespass law upheld by the state Supreme Court of Appeals was challenged by the ACLU, which asked a three-man federal court to accept jurisdiction under the terms of the U.S. Code. The federal court turned down the ACLU appeal. The convictions for disorderly conduct of two white university professors and seven Negroes who were arrested for dining together in a Negro restaurant in Montgomery were set aside by the Alabama Supreme Court. The court ruled that the city had failed to prove that the nine—backed by the ACLU—had committed any offense (*See last year's Annual Report, p. 48*). The Florida Civil Liberties Union is supporting the appeals in various courts of sit-ins arrested in Miami, Tallahassee and Shell City. Appeals from disorderly conduct charges arising out of mass sit-in demonstrations in Louisville, Ky. were backed by the KCLU, which also urged the state Commission on Human Rights to seek early desegregation of all places of public accommodation. The affiliate urged the Commission to work with local groups of white and Negro community leaders such as one in Louisville which has succeeded in integrating many restaurants, stores and theatres in the city. Peaceful progress towards desegregation was also recorded in Dallas, where an all-white group of civic leaders paved the way for Negroes to dine at 36 previously all-white restaurants. Dallas took the step in preparation for the integration of first grade schools. The next major offensive to be launched by southern Negroes, Martin Luther King announced, was a series of polling place "stand-ins" intended to double the number of 1,300,000 Negroes now eligible to vote in the South within the next two years.

In the North, too, southern sit-in demonstrations cast their shadow. The Illinois Division defended two college students arrested on charges of loitering and littering a subway entrance outside a Woolworth store; the California Attorney General intervened to upset a secret agreement among state college presidents to refuse admission to sit-in demonstrators expelled from southern universities.



**NAACP HARASSMENT.** The U.S. Supreme Court ruled that Louisiana could not compel the NAACP to disclose names of its members and contributors. The tribunal also found against another law, purportedly aimed at subversive organizations, which would have required the Louisiana chapter of any national organization, such as the ACLU, to attest that the officers of other affiliates are not members of Communist-front organizations. The NAACP asked the court, in another case, to void an order blocking its activities in Alabama. A federal Circuit Court of Appeals had sent the litigation back to a state court for re-trial. The Florida Supreme Court ended the long legal harassment of Miami Negro leader Rev. Edward T. Graham, who had refused to tell a state legislative committee whether he was a member of the NAACP or to answer any other questions concerning the NAACP. The high court opinion accepted the argument of the Florida CLU that before a person can be forced to disclose his political associations and beliefs, the state must demonstrate a compelling public need which subordinates his First Amendment rights. At no time, said the court, had the state offered any testimony on the public need for the information it sought. At the same time, in a companion case, the Florida high court upheld the contempt conviction of Rev. Theodore R. Gibson, current head of the Miami NAACP, who also relied on First Amendment rights in refusing to name 14 alleged Communists who were also said to be NAACP members. The court held that since Gibson was not asked to produce the entire membership list, it was a reasonable request.

**OTHER ACTIONS.** The ACLU filed a complaint with the Justice Department charging that Shreveport, La. police officials had beaten a Congregationalist-ordained minister who publicly proclaimed his anti-segregation beliefs. The beating, said the Union, violated the Civil Rights Act. The complaint alleged that the Rev. Ashton Jones, who had been touring the South by car preaching brotherhood, and who had been arrested previously in Shreveport as a vagrant, was beaten by police when he returned to appeal his conviction. An affidavit by Jones said police beat him with a rubber mallet, kicked him, rolled him off a steel bunk, permitted other prisoners to beat him, taunted him, and threw food in his face. Jones is 64. Four Jackson, Miss. taxpayers filed a suit to bar the state from paying public funds to White Citizens Councils. *The New York Times* won a significant free press victory when a federal court threw out a number of libel suits filed by Alabama Governor John Patterson and public officials in Birmingham and Montgomery. The court exempted the *Times* from suit in the state on the ground the newspaper didn't conduct business in the state.

## **GENERAL DEVELOPMENTS**

**EDUCATION.** With the first desegregation of public schools in Atlanta and the abandonment of "massive resistance" by the Georgia legislature, only three states remained with completely segregated publicly-financed schools: Alabama, Mississippi and South Carolina. The sharp break with Georgia tradition came with the admission of

two Negro students to the University of Georgia, provoking brief riots which subsided with the refusal by the U.S. Supreme Court to hear a plea that would have shut the school. Reluctantly keeping pace with the slowly changing scene, legislators repealed compulsory segregation laws, permitted local option by communities, and clarified pupil assignment regulations. The admission of nine Negroes to Atlanta public schools took place in 31 school districts in which desegregation took place for the first time. Seven years after the U.S. Supreme Court decision outlawing segregation in public schools, the percentage of Negro children attending school with whites was 6.9—a total of 213,545—according to the authoritative Southern Education Reporting Service. Out of 6,663 school districts in the 17 southern and border states, 2,813 were biracial and 829 were desegregated.

Backed by the ACLU, children of a group of South Carolinians known locally as “Turks” attended modern, white elementary schools in Sumter County for the first time. But a federal court suit was dismissed that would have been a major challenge to the state’s pupil placement laws. The “Turks,” classified by the U.S. census as white, are probably racial mixtures of early Caucasians of Arab descent, scattered Indian strains, and perhaps runaway slaves, whose descendants fought in the Confederate Army. In the city of Sumter they attend white schools, but in rural areas they have been restricted to ill-equipped segregated schools. The lower court suit was mooted after the school board voted to close the previously segregated school. However, to prevent a possible repetition of the discrimination, the ACLU pressed for and won a judicial decision ending the discrimination.

In Virginia, once the bulwark of massive resistance, six more communities voluntarily desegregated, bringing to 400 the number of Negroes attending schools with whites in the state. In Virginia’s most obstinate county—Prince Edward—a Federal District Court judge banned further financial assistance by the state or county to a private foundation which operates a network of private, all-white schools which meet in churches and clubs. These institutions, financed mainly through state “scholarships” to pupils of \$250 a year, have served 1,450 white youngsters since 1959, when the county closed its seven white schools and 13 Negro schools rather than comply with the U.S. Supreme Court verdict on desegregation. Since 1959, 1,700 Negro children have been without an education. The court’s order, which deferred a NAACP petition to re-open the public schools until the Virginia Supreme Court of Appeals acts, held that in the absence of a public school system that provided freedom of choice for students obtaining the grants, tax money could not be used to support the private foundation. The order also barred tax credits for individuals making donations for the all-white, privately run makeshift school system. In New Orleans, a U.S. Court of Appeals struck down Louisiana’s school closing law, which permitted citizens of local school districts to vote to shut schools faced with desegregation orders. Said the court: “This is not the moment in history for a state to experiment with ignorance.”

New Orleans, the scene of racial outbreaks and school boycotts last year when four first-grade Negro girls attended two previously

all-white schools, peacefully accepted the enrollment of eight more Negro students. They attended four schools desegregated for the first time. A new citizens group, Save Our Schools (SOS), the concern of many businessmen and the determination of school and city officials to maintain law and order allowed New Orleans to take another small step forward towards desegregation.

In other cities, Little Rock, Ark. desegregated five more schools; Miami did the same in six more, increasing from 28 to about 250 the number of Negroes in biracial schools; three districts in Tennessee became the first in the state to voluntarily desegregate using grade-a-year plans; while Memphis quietly admitted 13 Negro first-graders; Galveston and Dallas joined Houston in lowering racial bars at public schools in large cities in Texas. In Dallas 18 Negro girls and boys went to their first day of classes in eight schools without provoking incidents. Throughout the South, desegregation inched forward peacefully, in contrast to the violence of previous years, but compliance was still on a token basis.

Although only a little more than one-fourth of the South's biracial school districts have desegregated, more than half the South's public colleges have done so. The latest is Georgia Tech, which voluntarily accepted three Negro freshmen from Atlanta. Four private or church-sponsored institutions where Negroes were admitted for the first time include Duke University, Mars Hill College and Davidson College—all in North Carolina—and Oklahoma Christian College.

**UP NORTH.** A display of stubbornness that would make Mississippi proud was staged in New Rochelle, N.Y. where the school board voted against permitting out-of-neighborhood school transfers and fought court orders to desegregate a single school all the way up to the U.S. Court of Appeals—where it lost again. The case probably will have to go to the U.S. Supreme Court before New Rochelle permits a policy instituted by the New York City Board of Education last year (*See last year's Annual Report, p. 51*) and which appears to be working quite well. "The children are happy, behavior is better, and there is more interest in school work," a report declared. The New York Civil Liberties Union urged the open enrollment plan for the Westchester city, which could eventually become the pattern for the entire county.

**HOUSING.** Observing the effect of fair housing legislation, the National Committee Against Discrimination in Housing noted that relatively rapid progress in recent years has provided "the essential framework within which a community can move towards equal opportunity in housing. Experience has also disproved the charge," said the report, "that fair housing laws would be instruments of revolutionary social change, bringing in their wake neighborhood inundation, increased inter-group tensions and economic loss." Legislatures moving forward were New Jersey and New Hampshire, which passed laws forbidding discrimination in private housing, becoming the eighth and ninth to do so. Pennsylvania, New York and Minnesota earlier also took the same step. Massachusetts, Connecticut, Colorado and Oregon passed

such laws in 1959, and the first two of these states strengthened their statutes, Massachusetts becoming the first state or local government to provide for injunctive relief against persons accused of unlawful discrimination. Indiana forbade discrimination in public housing.

Court tests of fair housing laws governing private property were conducted in Colorado, where the ACLU affiliate submitted a friend-of-the-court brief to the state Supreme Court appealing a ruling which struck down the right of a state commission to enforce its orders by requiring a realtor to sell a house to a Negro; Connecticut, where a Superior Court ruled the law constitutional but said it did not apply to empty lots on which buildings are to be built in the future; and in Washington, where the state Supreme Court ruled the state anti-bias law was invalid on *ex post facto* grounds. In other court actions, a suit in Ohio challenged for the first time the right of a builder using FHA or VA mortgage insurance to refuse to sell to Negroes.

Other instances in which Union affiliates came to the aid of minorities who sought protection of fair housing laws included San Francisco, where a Negro couple was refused the right to buy a home; Orange County, Calif., where a Mexican couple filed suit after they were refused the right to buy a house; and in Council Bluffs, Iowa, where two representatives of the Sudanese government were refused hotel rooms. In a reversal of the usual suburban pattern, Great Neck, L.I. and Teaneck, N.J. moved to break up racial ghettos—the first by inviting Negro homeowners to settle in Great Neck, and the second by affirming publicly that Negroes are free to buy land anywhere in town. A recent study of off-campus housing by the New York State Commission Against Discrimination revealed that only 19 of 100 colleges and universities surveyed in the nation have regulations forbidding such discrimination. The study did not cover New York or Colorado, where many institutions have such anti-bias rules.

**EMPLOYMENT.** Twenty states now have fully enforceable fair employment practices laws. Latest additions to the roster are Kansas, Missouri and Illinois. In addition, Nevada and West Virginia took important first steps by creating human relations commissions with authority to investigate discriminatory practices. Indiana strengthened its law by adding subpoena powers. The Indiana CLU obtained the intervention of Governor Matthew Welch in winning the right of a Negro to enter the training school of the state police. Among the cases of job discrimination in which ACLU affiliates took an active role were the dismissal of a Louisville, Kentucky municipal employe who interceded on behalf of a Negro fellow-worker who was refused restaurant service; investigation of complaints that Baltimore Negro policemen are restricted to foot patrols and are accepted in only five of 24 departments; correction of applications for vocational recreation benefits in Minnesota, which required information on race, religion and nationality; defense of a Santa Fe RR coach cleaner before the state FEP commission, one of four cases in which the commission failed to accomplish an amicable settlement in 23 months of activity during which it received 1,100 complaints.

The Washington State Board Against Discrimination ordered Seattle General Hospital to halt discrimination in hiring and in Chicago, 10 Negro physicians filed an anti-trust action in the Federal District Court charging that 56 hospitals and five medical associations engaged in a conspiracy to deny them staff positions. Baltimore's Equal Opportunity Commission law was changed to permit court enforcement of its cease-and-desist orders.

**PUBLIC ACCOMMODATIONS.** Idaho, New Hampshire, North Dakota and Wyoming passed laws forbidding discrimination in places of public accommodation, resort or amusement, bring the total of states with such legislation to 28. The Rhode Island Affiliate, ACLU opposed a bill to transfer the powers of the State Commission Against Discrimination to the Attorney General's Department because the latter lacks a specialized staff to conduct hearings; the ACLU of Oregon supported a measure to broaden the state law barring bias in public accommodations; and the St. Louis Civil Liberties Committee backed a local bill prohibiting discrimination in restaurants, hotels, theaters, or other public places. A case supported by the Minnesota CLU was won in the state Supreme Court with a verdict that rejected the claim of a Minneapolis cemetery that it could refuse burial of a non-Caucasian. The opinion affirmed a lower court decision that Sunset Park Memorial Association had violated public policy when it told Mrs. Ramona Erickson, a Sioux Indian, that it would not bury her when she died. The suit was brought by Mrs. Erickson's husband, an American of Scandinavian descent.

Although municipal libraries were integrated without incident in Memphis and Savannah, reading rooms in Greeneville, S.C. and Petersburg, Va. were briefly closed before they were reopened to Negroes. The main library of Jackson, Miss. remains closed to Negroes, nine of whom were arrested when they tried to use its facilities. The Danville, Va. library solved its dilemma by reopening after four months with all its chairs and tables removed.

In the North, an amusement park in Cincinnati finally permitted Negro admissions after the ACLU intervened; a similar ban was broken in Glen Echo, Md. after pickets protested. The executive committee of the Professional Golfers Association cancelled plans to hold its 1962 championship tournament in Los Angeles because the local club has a white-only membership clause. The New York City Health Department received a few hate letters after it decided to drop information on color or race from birth certificates issued to parents. The information will be listed in the Department's files, however, for statistical purposes. Actors' Equity and the League of New York Theatres agreed in principle not to play to segregated audiences.

# **DUE PROCESS UNDER LAW**

## **FEDERAL EXECUTIVE DEPARTMENTS**

### **1. Citizenship, Naturalization, Deportation**

**CITIZENSHIP.** With the ACLU's backing, a suit was filed in the Washington, D.C. Federal District Court challenging whether American citizenship can be withdrawn from a dual national who lived 10 years in a foreign country and served in that nation's army. The government is seeking to cancel the citizenship of Antonio Cafiero of Jersey City, N.J. under the "conclusive presumption" clause of the Immigration and Nationality Act which says that such residence and military service is presumed to be voluntary. But the Union argued that the clause is unconstitutional and in violation of the due process protections of the Fifth Amendment. Cafiero, born in Italy in 1932 of an American father, thus acquired dual nationality. He lived there for nine years and three months before the "conclusive presumption" amendment to the immigration law was passed in 1952. His wartime service in the Italian Army came as a result of his being drafted, not his enlistment, said the Union, and thus he had no "free choice." Cafiero returned to the U.S. in 1956 as a seaman and deportation proceedings were begun against him the following year. In another dual nationality case, the Union backed the appeal in the U.S. Supreme Court of Francisco Mendoza-Martinez, who lost his American citizenship for allegedly leaving the country to evade military service.

The Union is providing legal assistance to Herman Marks, a native-born American and former captain in the army of Fidel Castro. The Immigration and Naturalization Service ruled that Marks is a "stateless person" deportable under an amendment to the immigration law providing for the automatic revocation of citizenship for persons entering or serving in the armed forces of a foreign country unless they have specific United States government authorization. The U.S. Supreme Court, while never having ruled on the constitutionality of expatriation because of service in a foreign army, has said in previous cases that the government must prove its right to expatriate by "clear, convincing and unequivocal evidence" that the act was voluntary. Marks testified at his deportation hearing that he never renounced his American citizenship or took an oath of allegiance to Cuba. In the absence of such a voluntary act, the Union said, Marks is not deportable. The Union said the immigration statute violates the due process protection of the Fifth Amendment and the guarantee of the Fourteenth Amendment that all persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the states in which they reside.

In two cases that reversed lower federal courts, the U.S. Court of Appeals ruled that a person cannot be denied citizenship because they ignored 23 parking tickets or lived together as man and wife without being formally married. The first offense is not proof of being poorly disposed "to the good order and happiness of the United States," nor the second proof of "bad moral character," the court said.

**DEPORTATION.** Carlos Marcello, a New Orleans underworld figure, was ruled an undesirable alien and ordered deported a second time. His first deportation was denounced as "totalitarian" by the ACLU after the racketeer was handcuffed, held incommunicado, sped to the airport, and flown to Guatemala in an Immigration Service plane after "false representations" were made to Guatemala that he was born there. The Union charged that although Marcello was not given three days notice of his proposed deportation—as ordered in 1955 by Supreme Court Justice Hugo L. Black—New Orleans TV crews and newspapermen had been tipped off to be at the airport for the story. At the airport itself, Marcello's lawyer was prevented by a Justice Department ruse from consulting with his client. Whatever danger may have existed by reason of Marcello's continued presence in this country," said the Union in a protest to the Justice Department, "it is infinitesimal compared to the danger posed by the adoption of totalitarian tactics."

The ACLU of Washington state is testing the right of the Attorney General to deport an alien to a country in which she has never lived. In a friend-of-the-court brief filed with a Federal District Court, the affiliate argued that deportation was being used as a punishment in violation of the due process clause of the Fifth Amendment in the case of Hazel Anna Wolf, 63, who lost her status as a naturalized American for alleged membership in the Communist Party during 1938 and 1939. Mrs. Wolf has lived in the U.S. and Canada, but never in England, where the Justice Department seeks to deport her under a clause in the 1952 immigration law permitting deportations to any country which will accept the alien if his native country and countries in which the alien has lived refuse to do so.

In an Illinois case, the ACLU affiliate helped untangle the red tape that had ensnared Walter Perez Valderama, a respected Peruvian businessman and teacher, who was accused of working while on a visitor's visa and arrested without cause before the Union obtained his release. The ACLU of Oregon protested the deportation of William Mackie and Hamish Scott McKay, long-time United States residents accused of Communist Party membership during the 1930's. Both men said they were members only of organizations they thought would help ease unemployment during the Depression. A special government inquiry officer ruled that the Immigration Service had failed to prove its case that an admitted homosexual, defended by the ACLU of Northern California, was a homosexual at the time of his 1958 entry to the United States. The United States National Student Association and the Student Civil Liberties Union of the University of California at Berkeley asked the Immigration Service clearly to define what political activities foreign students may engage in without having their visas "capriciously" lifted. Their demand came after a British scientist who picketed the HUAC was first ordered to leave the country, then permitted to complete his studies. The visas of two other British students who took part in the demonstration were not renewed.

**ALIEN RIGHTS.** The ACLU, in testimony before a Senate Judiciary Subcommittee, filed sharp objections on due process grounds to



a pair of bills that would unconstitutionally restrict the present method of judicial review of orders of deportation and exclusion. One proposed change would limit filing a petition for review within six months from the date of the final deportation order. Currently, an alien can request such review any time up to the execution of the final order, giving him ample time to seek various administrative avenues of appeal. The second proposal would eliminate the District of Columbia Circuit Court of Appeals as an appellate tribunal and shift the venue of any petition for review from a Federal District Court directly to a Circuit Court of Appeals. The Union protested that since immigration law specialists are found chiefly in Washington, equally qualified counsel may be hard to find in other communities. The ACLU also objected skipping one court to go to another which is already overburdened. Despite strong opposition in the Senate, the bill was approved by Congress as a rider to another immigration bill liberalizing the admission of alien orphans.

## 2. Confinement of Mentally Ill

For the first time since 1954, the U.S. Supreme Court agreed to review a federal case involving insanity, offering the possibility that the tribunal will suggest a standard to which the nation's 11 federal judicial circuits could adhere. The appeal, brought by the ACLU, concerns Frederick C. Lynch, who contends that his right to plead guilty to bad check charges in the District of Columbia was refused by a judge, who then found him not guilty by reason of insanity and automatically committed him to St. Elizabeth's Hospital.

Both the Lynch case and the automatic commitment law were assailed by the ACLU in two appearances before the Senate Subcommittee on Constitutional Rights, which is conducting an investigation of the rights of the mentally ill. Lynch's counsel, Richard Arens, pointed out that automatic commitment in criminal cases is possible even though "no hearing is called for to determine whether the defendant is presently ill or dangerous. The loss of human liberty takes place under these circumstances in defiance of the most elemental conceptions of due process of law as they have been understood through the years. There is no clear-cut statutory or judicial requirement which exacts the adequate and humane treatment of those who are committed to a mental hospital," he declared.

In testifying a second time before the subcommittee, the ACLU, through its Washington director, again scored the due process violation of the automatic commitment law. It emphasized that the defendant is denied a chance to be heard even if he can show he is no longer mentally ill, not dangerous to himself or others, and would not be helped by confinement in a hospital even if he needed psychiatric aid. "Moreover," added the Union, "(he) cannot secure such a hearing by petitioning for a writ of *habeas corpus*."

To reform the situation in Washington, D.C. and elsewhere, the Union suggested adoption of a post-acquittal statute similar to one now in force in 18 states. Under this law, any person acquitted on grounds of insanity may be ordered to a mental hospital for observation



for 10 days; if he is found mentally ill, a threat to himself and others and in need of institutional care, the court can refer him to a state commission on mental health for formal commitment proceedings. If, however, after hospital examination discovers no mental illness, the court may discharge the defendant. The Union also suggested federal legislation which would, among other things, declare the right of a mental patient to challenge his confinement by *habeas corpus* petition at least twice a year; guarantee independent psychiatric confirmation of mental illness claims, including the right to challenge judicial commitment within five days; assure frequent inspection of public mental health facilities by federal inspectors.

In the states, several ACLU affiliates were active in safeguarding the rights of persons alleged to be mentally ill. The Cleveland Civil Liberties Union and the Ohio CLU objected to a provision of the state law under which a person may be committed to a mental hospital by the simple expedient of an affidavit which costs nothing to file, frequently is not investigated and whose author can remain anonymous. Thus, "spite incarcerations" have resulted in the commitment of feuding neighbors or families. The Illinois Division freed two men from mental hospitals: Howard Liquia, a tubercular patient committed by a judge in contradiction of psychiatric reports; and Eli Eliezer, an Orthodox Jew committed after he peacefully distributed handbills in front of a Reformed Jewish synagogue. In New York, the U.S. Court of Appeals upheld an ACLU plea to bar the transfer of a mental patient from one state hospital to another restricted to the criminally insane. The switch, made on the basis of a 15-year-old felony conviction, came after John J. Carroll allegedly attacked an attendant. The ACLU said the transfer, without a hearing, violated Carroll's due process rights under the Fourteenth Amendment.

### 3. Loyalty and Security

**THE FEDERAL COURTS.** A narrowly divided U.S. Supreme Court upheld the government's dismissal as a security risk of Rachel Brawner, a cook in a Washington naval gun factory. Mrs. Brawner, mother of eight, had been deprived of her security badge without an explanation and without a hearing. Supporting her case, the ACLU argued that her dismissal was unconstitutional in light of the Supreme Court's 1959 decision in the *Greene* case in which the security firing of a government engineer was reversed because he had not received a full due process hearing. But the high court held in the *Brawner* case that "The Fifth Amendment does not require a trial-type hearing in every conceivable case of government impairment of private interest." Where private interest is subject to executive "plenary power," said the majority, "it has been traditionally held that notice and hearing are not constitutionally required." The U.S. Supreme Court rejected New York state's claim that under the 1954 federal Communist Control Act it had a right to exclude the Communist Party from the state unemployment insurance program. The act contained "vague terminology" the court declared, substantiating one of the arguments made originally

by the New York Civil Liberties Union, which raised the issue in the state courts (*See last year's Annual Report, pp. 60-61*).

A loyalty oath demanded by the FCC was affirmed by the U.S. Court of Appeals in the ACLU-supported case of William C. Cronan of San Francisco, who refused to sign the oath in applying for renewal of licenses as a radio telephone and telegraph operator. The U.S. Supreme Court refused to review the case, as it did in the appeal from a state loyalty oath of an Oakland, Calif. librarian, Rebecca Wolstenholme.

The U.S. Court of Claims, righting a six-year-old wrong, restored the back pay of Roberta I. Thomas, former civilian clerk-stenographer for the U.S. Army in Germany, who was fired on a charge of making a false statement on an official document. In filling out her security forms, she did not note that she once had attended two class sessions of two schools on the Attorney General's list of subversive organizations. At her hearing she said she did not think this constituted "association, membership in or affiliation with" those institutions and that, in fact, she had listed them on earlier Army records that asked her to name schools she had attended. In strong language, the court scolded the Army for making an accusation that "does not rise to the dignity of a charge, but sinks to the level of a suspicion." Five-year-old sedition charges against John W. Powell, his wife, Sylvia, and Julian Schuman were dropped by the government after a federal judge in San Francisco ruled that the Sedition Act was limited to actions in the United States and its maritime jurisdictions. He also had refused to permit testimony by former prisoners of war in Korea. The three were publishers of the *China Monthly Review*, which accused the United States of using germ warfare in Korea. After the government dropped its case, the Customs Bureau released Powell's personal library, seized in 1953. The ACLU and its Northern California affiliate had opposed the sedition indictment as an inhibition of free expression.

**STATE AND LOCAL ACTIONS.** Arizona's new law outlawing the Communist Party, defining sedition, and requiring loyalty oaths from all public employees is under court test. Among the organizations opposing the statute, solely on free speech and academic freedom grounds, is the Arizona CLU. A similar anti-sedition statute outlawing the Communist Party was passed in Nebraska. The Metropolitan Detroit Branch of the ACLU filed a friend-of-the-court brief before the Michigan Supreme Court testing the Wayne County loyalty oath. The Colorado Branch, ACLU investigated the case of a guard at the Denver mint who was denied his pension by the Civil Service Appeals Board because he was a former Communist Party member.

#### 4. Military Justice

The U.S. Supreme Court decided that three U.S. prisoners of war who refused repatriation after the Korean war, changed their minds after 18 months about remaining in Communist China, and returned home in 1955 are entitled to back pay for the time they spent as POW's. The Court pointed out that "Congress may some day provide

that members of the Army who fail to live up to a specified code of conduct as prisoners of war shall forfeit their pay and allowances. Today we hold only that the Army did not lawfully impose that sanction in this case."

The Rhode Island Affiliate, ACLU obtained counsel for a man released from the armed services under honorable conditions, placed in the reserve, and then called up for court-martial because he failed to reveal ties with allegedly subversive organizations at the time of his induction. The Illinois Division represented John Harvey on his claim that he cannot be given a less than honorable discharge from the inactive reserve because of his political affiliations. The Ohio Civil Liberties Union is investigating the case of Leo Gallagher—a severely wounded Korean veteran who received an honorable discharge, later re-enlisted despite severe attacks of melancholia and depression, went AWOL, and was dishonorably discharged with forfeiture of medical aid for service-incurred injuries.

## WIRETAPPING

**U.S. SUPREME COURT.** The U.S. Supreme Court affirmed a U.S. Court of Appeals decision upholding the right of state officials to use wiretap evidence in state trials. The ACLU and its New York affiliate had filed a friend-of-the-court brief in the case, which involved the prosecution of Bronx attorney Burton N. Pugach (*See last year's Annual Report, p. 62*). The majority opinion held that "where a state has carefully legislated so as not to render inadmissible evidence obtained and sought to be divulged in violation of the laws of the United States, this Court will not extend by implication the statute of the United States so as to invalidate the language of the state statute." In another decision, the high court unanimously held unconstitutional a device for eavesdropping used by District of Columbia police to obtain evidence against suspected gamblers. The police got their evidence by attaching earphones to a foot-long, pencil-thin metal spike driven into the wall of the building. The court said: "The Fourth Amendment and the personal rights it secures have a long history. At the very core stands the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion."

**CONGRESS.** In testimony before the Senate Subcommittee on Constitutional Rights, the ACLU demanded a complete ban on wiretapping and urged Congress to tighten the present federal laws barring such practices. To make wiretapping lawful, said the Union, "is to move closer towards a police state where constant government intrusion and surveillance inhibit and constrict a free people." Underscoring its belief that all forms of electronic eavesdropping violate the Fourth Amendment's right to privacy, the ACLU said that the only difference between an illegal general warrant permitting physical entry and wiretapping was that "invasion by a telephone tap is more treacherous because there is a greater sense of security when using the phone." The testimony also noted that 33 states have completely outlawed wiretapping

while state commissions in New Jersey and California have found that the practice does not outweigh the damage to individual liberty.

Illustrating the broad sweep of wiretapping, the ACLU pointed to the high proportion of taps on public telephones. Of 3,558 telephones tapped by New York City police in 1953-54, 1,617, almost half, were public phones. "It is inevitable in these cases," said the Union, "only an infinitesimal number of the intercepted calls are even made by the suspect or by anyone remotely connected with him; yet, the privacy of numerous other callers is invaded, many of whom have resorted to a public telephone precisely in order to obtain privacy not obtainable in their homes or businesses." The ACLU also pointed to the abuse of wiretapping through doctored recordings and opportunities for shakedowns of gamblers by unscrupulous police officers.

In opposing specific legislation to broaden the use of wiretaps, the ACLU objected to proposals that would give each state the right to adopt any system of wiretaps it pleases as long as there is a judicial finding of "reasonable grounds" to uncover a crime or evidence of a crime. "This would permit as many as 51 varying systems with respect to a basically federal right and concern—interstate telephone communications," the Union declared. Other objections raised by the Union were that the proposed legislation permitted wiretapping for any crime, no matter how petty; illegally obtained wiretap evidence would be admissible in all proceedings; organized crime is interstate and is most effectively fought by federal officials following federal rules of procedure.

**STATE AND LOCAL ACTIONS.** The ACLU of Washington is supporting the appeal of William Cory to the state Supreme Court on the grounds that before his trial, sheriff's deputies wiretapped and recorded a conference with his attorney in violation of the Sixth Amendment. The city budget of Livonia, Mich. actually included an appropriation for wiretapping devices in rooms occupied by prisoners. The Metropolitan Detroit Branch protested. The ACLU of Oregon opposed a bill, approved by the legislature, permitting the use of listening devices to overhear suspected narcotics offenders.

## *ILLEGAL POLICE PRACTICES*

**BRUTALITY.** In a case supported by the Illinois Division, the U.S. Supreme Court ruled that policemen and other local officials who violate a citizen's rights "under color of law"—while acting under the guise of official authority—could be sued for damages in the federal courts. The landmark ruling was handed down in the case of James Monroe, a Chicago Negro handyman whose apartment police invaded shortly before dawn one morning in 1958. They ransacked the place, stood the family naked at gun point, and beat them. Monroe was finally taken to a police station for questioning on a murder charge, never brought before a magistrate, and finally released. He sued the police and the City of Chicago for \$200,000 under the federal Civil Rights Act, but the decision, which could significantly redress civil rights injustices by local officials, held that he could only sue the individual

officers. Another high court decision involving Illinois justice freed Emil Reck after 25 years of imprisonment. The Illinois Division's plea for a writ of *habeas corpus* was based on the charge that Reck's murder confession at the age of 19 was beaten out of him. The Supreme Court ordered a new trial but Illinois dropped the case. Following the U.S. Supreme Court decision in the Monroe case, the ACLU of Southern California brought a \$40,000 damage suit on behalf of Mrs. Irene Lucero of Los Angeles, who charged she was beaten by two policemen who raided her apartment without a warrant in search of narcotics. The affiliate also appeared as a friend of the court on behalf of Robert Dahlgren, who was awarded \$500 damages in a suit charging Ventura police with using illegal force in extracting a blood sample while he was a drunken driving suspect. The Greater Philadelphia Branch of the ACLU protested that a proposed bill providing for the emasculation of sex offenders was "vague, sweeping, and unconstitutional." The affiliate also protested undenied beatings administered to convicts at the Philadelphia state prison after a riot was subdued. The Wisconsin Civil Liberties Union investigated complaints of brutality at the Waupun state prison.

**ILLEGAL SEARCH AND SEIZURE.** A Superior Court Judge in Anchorage, Alaska ruled out the admissibility of illegally seized evidence in the case of a woman whose room was searched without a warrant. "The purpose of the Constitution is not to allow criminals to escape," said the judge, "but to prevent all of us from being invaded by a rap on the door late at night." Members of the Civil Liberties Union of Massachusetts defended two Smith College faculty members accused of possessing obscene literature, seized by police without a warrant. The Minnesota Civil Liberties Union urged adoption of a Minneapolis ordinance that would bar housing inspectors from entering homes without a warrant. The same issue arose in Arizona, protested by the Union affiliate, when inspectors gained entrance to homes slated for urban renewal. In a trio of cases involving automobiles, the ACLU defended a person arrested for making speeches about municipal corruption from a loudspeaker perched on his car; the Illinois Division protested the firing of revolvers by policemen while chasing a car that passed through a red light; two St. Louis judges objected to police searches of autos driven by alleged traffic violators. The ACLU of New Jersey attacked as "Gestapo-like tactics" the extreme methods used by East Orange, N.J. authorities to recover over-due library books: delinquents were roused from bed late at night and many held in jail until morning. FBI director J. Edgar Hoover assured the ACLU, in an exchange of correspondence, that fingerprint records and mug shots of persons arrested but not convicted or prosecuted are returned to local authorities for destruction at their request while the FBI does the same with its copies. Also on the federal scene, the Union asked for a change in the application for federal employment which currently requires divulgence of past arrest or police investigation. The objection, based on a violation of "the spirit of due process rights of fair evaluation and judgment," was raised in a letter to the chairman of the U.S. Civil Service Commission which pointed out that an arrest record

does not necessarily imply "criminal behavior in the sense of harm to society." In addition, the letter said, police officers "eager to flaunt their personal power . . . frequently are quick to make arrests and press charges" where individuals are merely exercising their constitutional rights. Illustrating its complaint that mere arrest should not be prejudicial to an applicant, the Union said that "persons holding meetings or handing out literature for such causes as the right of labor unions to organize, opposition to racial discrimination, or an end to nuclear testing have been 'arrested, taken in custody,' etc., despite the fact that such activity is a perfectly proper exercise of the First Amendment and in many circles is considered beneficial to society." The ACLU pointed especially to arrest of the Freedom Riders despite the peaceful character of their protest, noting that over 300 arrests have taken place in Jackson, Miss. alone. "The fact that Freedom Riders are mainly of college age who will soon be seeking employment highlights the significance of their arrest record."

**ILLEGAL DETENTIONS.** The California legislature passed bills requiring police to file a written explanation if an arrested person is not taken before a magistrate within two days; and permitted to call a bail bondsman within three hours of arrest. Such reasonable limits were far exceeded in several cases in which ACLU affiliates intervened. The Greater Philadelphia Branch won the release after seven weeks of an itinerant pipe-line worker, who spent 15 seconds before a magistrate who refused him permission to speak and sentenced him to six months in jail. The Colorado affiliate moved for the release of three youths jailed for more than a month without a court hearing. Two days later they were charged with robbery. A protest by the affiliate also speeded formal charges against Joseph Corbett Jr. who was held for a week before formally accused of the murder and kidnapping of Denver attorney Adolph Coors III.

**ROUNDUPS AND CRACKDOWNS.** The Connecticut Civil Liberties Union opposed a proposed law requiring police registration of all narcotics violators on the ground of self-incrimination and stigmatization of past offenders who had no subsequent narcotics difficulties. At the same time the ACLU of Northern California protested that the San Francisco narcotics squad, in its zeal, is arresting persons on narcotics charges even though they have valid medical prescriptions. A city-wide crackdown against criminal elements in New Orleans produced the usual quota of civil liberties violations for such spur-of-the-moment effort: roadblocks, mass arrests, roundups of "undesirables." A similar sweep was conducted in Detroit, inspired by the worst crime wave in 30 years, but the Metropolitan Detroit Branch of the ACLU, along with the NAACP, protested that most of the victims of the dragnet were Negroes who were indiscriminately arrested and harassed. The roundup brought new demands for independent public review of police practices. The erection of roadblocks in Arizona to discover whether drivers had licenses was criticized by the Arizona CLU. Police also moved against juvenile crime in the same way in several cities. The ACLU of Pennsylvania persuaded the Norristown

school board to stop police from frisking high school pupils; the Colorado affiliate said that such frisking and auto searches are routine by police; the Illinois Division attacked such searches as illegal. The New York state Court of Appeals struck down New York City's so-called "knife act" which prohibits any person under 21 from carrying a sharp instrument in a public place. The NYCLU filed a friend-of-the-court brief, supported by the verdict, which said that merely carrying such objects cannot be considered criminal conduct.

**VAGRANCY AND DISORDERLY CONDUCT.** California repealed its vague and often abused vagrancy law, which had been on the books almost without change since 1872. In San Francisco alone, more than 1,700 vagrancy charges were dismissed annually but the persons arrested still had indelible police records. The new bill punishes disorderly conduct. The Arizona Civil Liberties Union condemned Tucson's stated pledge of scaring-off "not-so-well-heeled tourists" by enforcing its vagrancy and loitering ordinances beyond reason. The affiliate pointed out that pleading not guilty to such charges can bring the defendant more time in jail awaiting trial than if he pleaded guilty and left town.

**SHOPLIFTING.** Over the strenuous objections of the Iowa Civil Liberties Union, Governor Norman E. Erbe signed a law permitting retailers to search customers suspected of shoplifting. The merchant is also immune from false arrest suits. The New York Civil Liberties Union opposed such a bill in the legislature as violating constitutional guarantees of personal security.

**POLICE REVIEW BOARDS.** Los Angeles reformed its procedure for filing citizens' complaints against alleged misconduct, following a long campaign pressed by a number of civic organizations, including the Southern California affiliate. The change for the better occurred after an appellate court held that a section of the Penal Code which called for criminal prosecution of citizens who file false police reports was wrongfully applied to complaints of police misconduct. Such an interpretation, said the court, violates the right to freedom of petition. The ACLU of Washington renewed pressure for a police review board in Seattle in the wake of a public investigation of two cases in which police allegedly beat their victims. Contrary to police organizations' claims, the ACLU does not seek to usurp the police departments' disciplinary function or undermine the need for effective law enforcement. However, as outside review is needed by courts to protect against abuses by government officials, boards of independent citizens can protect the public against improper police practices. The St. Louis Civil Liberties Committee praised the continued appointment of qualified members to the local police board but noted it was pursuing two cases of improper arrest. The Washington, D.C. office of the ACLU asked the police Complaint Review Board to conduct its meetings in the open, but was refused.



## **COURT PROCEEDINGS**

**ILLEGALLY OBTAINED EVIDENCE.** The U.S. Supreme Court, ruling on an issue raised by the ACLU and its Ohio affiliate in a friend-of-the-court brief, issued a historic decision which outlawed the introduction of illegally seized evidence in state criminal trials. The verdict, which will affect such states as New York, Pennsylvania and Massachusetts that still permit the practice, was hailed by the Union as a "milestone in the history of American civil liberties." The exclusion of illegally obtained evidence from federal trials has been in effect since 1914. But in 1949 the high court said that states were not bound by the same rule. The latest verdict reverses that decision.

The due process issue was not the key principle in the case heard by the tribunal. Mrs. Dollree Mapp of Cleveland challenged the constitutionality of an Ohio obscenity law that made "mere possession" of obscene material a crime. In 1957, three policemen looking for evidence of gambling entered Mrs. Mapp's home without a warrant and handcuffed her over her protests. They found no gambling material but they did find allegedly obscene literature which was introduced at her trial and became the basis of her conviction. Her appeal to the U.S. Supreme Court argued the unconstitutionality of the "mere possession" clause of the state law. The ACLU brief raised this point as well, but included the argument that the search and seizure had violated her rights under the Fourth Amendment. The majority opinion sustained this argument. It noted that since it last dealt with the use of illegally seized evidence in state courts 12 years ago, several states have discovered that anything short of excluding tainted evidence was "worthless and futile." Re-examining its former opinion, the majority now was moved "to close the only courtroom door remaining open to evidence secured by official lawlessness." Since both state and federal courts are barred by the Fourth Amendment from invading personal privacy, said the court, the rule covering violations of the Amendment must cover all courts, else it becomes an empty promise. "Our decision," said the majority opinion, "gives to the individual no more than that to which the Constitution guarantees him, to the police officer no less than that which honest law enforcement is entitled, and to the court, that judicial integrity so necessary to the true administration of justice."

The ACLU declared that the verdict "may prove to be a major educative force in improving police practices in the country (since) it informs these police officers that their failure to observe constitutional standards no longer is acceptable at the local level."

**RIGHT TO A FAIR HEARING.** The U.S. Supreme Court unanimously ordered a new trial for Leslie Irvin, sentenced to death in Indiana for one of six slayings he allegedly committed while on a six-months murder spree in Indiana and Kentucky. The court held that newspaper, radio and television publicity on the case had developed "clear and convincing" prejudice in the minds of jurors. Declared one majority opinion: "This Court has not yet decided that the fair administration of justice must be subordinated to another safeguard of our system—freedom of the press, properly conceived. The Court has not



yet decided that, while convictions must be reversed and miscarriages of justice result because the minds of jurors or potential jurors were poisoned, the poisoner is constitutionally protected in plying his trade." The high court refused to review an appeal brought by the ACLU of Southern California on behalf of Mrs. Elizabeth Ann Duncan, convicted of killing her daughter-in-law. The affiliate said the trial was marred by prejudicial newspaper publicity and inflammatory statements to the jury by the prosecutor. In two other cases involving over-active news media which drew the attention of Union affiliates, the ACLU of Washington objected to the "live" TV transmission of a Seattle youth's murder confession and the Illinois Division questioned the fairness of a trial against Chicago racketeer Anthony Accardo on charges that he falsified his income tax deductions—the first time the government indicted anyone on the charge after the taxes had been paid. In a trio of complaints concerning the rights of convicts and parolees, the Wisconsin CLU investigated the charge that legal materials were not provided to inmates of Waupun state prison; the contention of the Oregon CLU that prisoners are being denied access to law books and other materials to prepare their appeal was denied by a U.S. Circuit Court of Appeals and the U.S. Supreme Court declined to review; and the right of a parole board to recommit a parolee without a proper hearing was challenged by the ACLU of Pennsylvania. A study by the Greater Philadelphia Branch reported that city magistrates each year illegally commit hundreds of defendants of minor offenses who are jailed without being told of what they are accused and are not permitted to testify in their own defense. The average man appearing in a mass hearing, said the affiliate, was before the court for less than a minute. But it was not all the magistrates' fault. They must face hundreds of alcoholics and simple drunks; they have no social workers or probation staff to help, added the report.

The U.S. Supreme Court denied review in two cases backed by the ACLU in which the mental condition of the defendant was a key issue. In the first case, Lowell Lee Andrews, 18 (at the time), called Kansas police early one morning to investigate a shooting at his home. Instead, police found Andrews petting his dog on the back porch and the bodies of his father, mother and sister inside. The youth was persuaded to confess by the family minister. Two members of a state-appointed medical commission found Andrews able to distinguish right from wrong under the McNaghten Rule, thus making him eligible to stand trial. A third member of the commission found him psychotic. In challenging the McNaghten Rule, the Union said the state court erred in failing to instruct the jury on any degree of homicide other than first degree murder and by not telling the jury that if Andrews were found not guilty by reason of insanity he would not be freed, but sent to a state hospital for the criminally insane until recovery. The second case, in which the high court refused review, concerned Coy Willie Latham, a fugitive from North Carolina, who tried to commit suicide twice and was found hallucinatory on the day of an extradition hearing held in Washington, D.C. A court-appointed psychiatrist found that Latham could not, at the time, cooperate with his

counsel. A pair of cases defended by the ACLU of Washington also turned on the mental condition of the defendant. In one, a first degree murder conviction was reversed by the state Supreme Court because the defendant was slipped a tranquilizer by a trustee-prisoner, making him appear cool and almost indifferent on the witness stand; in the other, the affiliate failed to halt the execution of a convicted murderer whose sanity was challenged but who was not examined by medical experts nor represented by counsel. A state intermediate appeals court in New York turned down the latest plea on behalf of Edwin Codarre, an epileptic who was allowed to plead guilty to murder in the second degree in 1943 when he was 13 years old. Codarre's lawyer, backed by the Union, charged that "a state procedure which permits an epileptic 13-year-old to plead murder in any degree violates the due process clause of the Fourteenth Amendment." A further appeal is pending.

Other cases brought to court by ACLU affiliates: Leonard Saldana, defended by the ACLU of Southern California, whose sentence for narcotics violations was changed from five years to 20 years after he was unwittingly trapped in a crossfire of judicial theories; James Morris Fletcher, granted a writ of *habeas corpus* sought by the ACLU of Pennsylvania, who was convicted of murder even though the jury foreman was a close relative of the principal witness against him; Bernard Manney, former Passaic, N.J. city official, whose fourth successive trial for alleged attempted extortion was called off after repeated protests by the ACLU of New Jersey; William Linhart, whose bail was raised on a traffic case from \$11 to \$263 when he said he wanted a jury trial, was convicted without a jury but acquitted on appeal in a test brought by the ACLU of Northern California; and Dante Edward Gori, whose claim of double jeopardy was backed by the New York Civil Liberties Union in a friend-of-the-court brief on the ground that after a lower court judge declared a mistrial on his own initiative, Gori should not be prosecuted a second time.

**RIGHT TO COUNSEL.** The California Supreme Court sustained the argument of the Northern California affiliate that Mrs. Lucy Turrieta had been improperly convicted because she was not advised of her rights to counsel when tried on the charge of fraudulently receiving welfare payments (*See last year's Annual Report, p. 68*). But when the court sent the case back for retrial, lower courts refused her permission to change her plea from guilty to not guilty, to stop judgment because of lack of jurisdiction, and to withdraw the order revoking her probation. The Attorney General of California advised that the appointment of counsel is required in all misdemeanor cases where the defendant is indigent, but because it was merely an advisory statement, the comment is not expected to change the situation much. The ACLU filed a petition for a rehearing before a U.S. Court of Appeals in Washington, D.C. on behalf of Virgil U. Lampe, convicted of second degree murder in 1955 although he was not advised of his right to have a lawyer at the coroner's inquest, thus violating his rights under the Fifth and Sixth Amendments. In addition, his confession was made just as Lampe was going into *delerium tremens*. The appeals court denied the Union's first petition for review on the

technical ground that the argument was presented too late since it was not made in the original request before the lower court (before the Union entered the case). The U.S. Supreme Court denied review to James C. Kesel, a first offender, who had no lawyer at his trial or sentencing in 1949 to an eight-to-24-year jail term for robbery. Kesel, supported by the ACLU, argued that he was mentally incompetent at his trial, having spent five months in the psychopathic ward of a Navy hospital and been discharged for psychoneurosis. Kesel also had an advanced case of syphilis at his arraignment.

**APALACHIN.** A U.S. Court of Appeals sustained the stand of the ACLU and its New York affiliate by unanimously reversing the convictions of 20 men tried under a conspiracy indictment after they were discovered by state police at an upstate home in Apalachin, N.Y. (*See last year's Annual Report*, p. 68). The convictions, said the court, "demonstrate the danger of a shotgun conspiracy charge aimed at everyone who gave an explanation inconsistent with the government's suspicion of the purpose of the gathering . . . Bad as many of these alleged conspirators may be, their conviction for a crime which the government could not prove, on inferences no more valid than others equally supported by reason and experience, and on evidence which a jury could not properly assess, cannot be permitted to stand." The government announced it will not appeal the case further.

**GRAND JURY TESTIMONY.** The New York Court of Appeals, the state's highest court, ruled that grand juries do not have the right to make reports or presentments on matters of public concern if they do not constitute indictments. The decision, welcomed by the New York Civil Liberties Union, involved an investigation by a Schenectady grand jury into charges of corruption in the county highway department. The panel found no crime, but sought to enter its criticism of certain practices into the "court record." The appeals court verdict, supporting the argument of the NYCLU, declared that grand juries may not "under cover of the power to inquire, employ a report to accuse an individual of misconduct or laxity in public office any more than it may do so to charge him with misbehavior in private life." It must either indict or dismiss the charge, said the court. The New Jersey Supreme Court also criticized presentments without indictments. In such cases, it said, the presiding judge should excise embarrassing material.

In a related area, the Union objected to an anti-racketeering measure put before Congress because it provides for immunity from prosecution in order to compel persons to testify with respect to corrupt labor-management practices or interference with commerce by threats or violence. While conceding that such immunity legislation is constitutional, the ACLU said the measures undermine the Fifth Amendment's privilege against self-incrimination. "If crimes have been committed, our law enforcement agencies are charged with the duty of apprehending the criminals," said the Union. "The remedy does not lie in stripping a portion of our citizens of the right not to be compelled to bear witness against themselves." The bill passed the Senate and is

pending in the House. Another provision of the anti-crime legislation that raises serious concern, said the Union, forbids the transportation across state lines of the tools of the bookmakers or numbers trade. This could conceivably apply to newspapers which carry race results or stock market figures, a common source of the numbers game. The Congress heeded the ACLU warning and excluded the provision. In other Congressional testimony on the same subject, the ACLU opposed unsuccessfully, on double jeopardy grounds, an amendment of the Fugitive Felon Act that would permit a man to be tried in a federal court as well as a state court if he fled state lines to escape local prosecution; the Union also pointed out that the federal government would be in the position of enforcing state criminal laws—for example southern anti-desegregation laws—without having any voice in the drafting of such legislation. It also objected to a proposal that would permit any federal, state or city government to stop the use of telephones or telegraphs “by merely advising the utility that the governmental agency believes the utility is being used or will be used for gambling purposes,” without any provision for judicial review of the action. This bill passed, too.

**RIGHTS OF JUVENILES.** The Kentucky Civil Liberties Union met with Juvenile Court authorities to draft legislation clarifying the status of juvenile offenders. California passed legislation overhauling its Juvenile Court procedures while its Attorney General said that a juvenile is entitled to a court reporter and his counsel has the right to cross-examine witnesses. The New York Civil Liberties Union opposed a bill, later killed, providing for a central registry of fingerprints of minors charged with delinquency. A county judge in Virginia sentenced two 14-year-old Negro girls to a year on an industrial farm as vagrants and two of their teen-age male companions to six months in jail for possessing obscene playing cards. None were represented by an attorney when they appeared before the judge, who later told a Washington, D.C. detective: “We don’t have juveniles in this county. If they’re old enough to steal, they’re old enough to go to jail.” After an ACLU cooperating attorney obtained a review of their case, they were placed on probation instead.

**OTHER CASES.** Illinois passed a new criminal code including such major changes as removing the power of sentencing from juries and eliminating life sentences (terms must be specified in years). New York state named a special commission to undertake the first major revision of its penal laws since they were enacted 80 years ago. The Greater Philadelphia Branch unwound the legal snarl that had temporarily deprived a past narcotics offender of his driver’s license and the Oregon Civil Liberties Union urged an amendment, later approved, that a motorist be told that his refusal to take a chemical test could result in suspension of his license. The Iowa Civil Liberties Union demanded investigation in two cases: a woman who claimed that a desertion case involving her husband never came to trial, and a man reportedly held in jail for a year on a bad check charge.

**NEWS MEDIA AND THE COURTS.** The U.S. Supreme Court refused to review a ban imposed by an Atlanta judge against taking pictures and recording interviews on sidewalks and streets adjacent to the courthouse. The high court said the ban is too abstract now, but indicated it might reconsider if a newsman were held in contempt for violating the order. The Georgia Supreme Court set aside a \$20,000 contempt conviction against the *Atlanta Journal* and the *Atlanta Constitution*, which published news stories citing the previous arrest record of a robbery defendant. The court said it was the judge's duty to instruct jurors not to read newspaper articles about the case. A woman reporter in Colorado unsuccessfully appealed to the U.S. Supreme Court to reverse a 30-day contempt conviction for refusing to disclose her news sources in court, while three Maryland reporters were upheld by a county court in refusing to say where they got their information. The American Bar Association's Canon 35 which bars broadcasting, photographing and televising of court proceedings has been the target of a mass media drive on the ground that modern equipment eliminates any interference with trial proceedings. A special ABA committee named to consider revisions of Canon 35 is still bogged down in an effort to test the media's claim through a study of courtroom photography and broadcasting. A legal panel of the Ohio Supreme Court held that the ABA's rule does not prohibit the taping of courtroom proceedings for later broadcast from another location. The question arose after a Cleveland radio station installed microphones in a Parma, Ohio traffic court with the judge's permission, recording only pleas of guilty—thus eliminating witnesses and sworn testimony—and removing the microphones if defendants objected. The ACLU is opposed to broadcasts, telecasts and news photography of courtroom proceedings as jeopardizing the defendant's rights to a fair trial and privacy. The New York Civil Liberties Union opposed filming or broadcasting of legislative or state commission hearings. The proposal did not pass.

## INTERNATIONAL CIVIL LIBERTIES

The Union continued its concerns with the policies of the United States at the United Nations affecting civil liberties and human rights, both through its relationship as an accredited non-governmental agency and its participation with other national organizations cooperating with the U.S. Mission to the United Nations. The new Administration has not as yet brought any marked changes in U.S. policies save for rather significant support, for the first time, of the claims of some African colonial peoples to independence from NATO allies.

In the field of law to guarantee rights and liberties, no change in American policy is to be noted from long-standing opposition to international treaties, due to the continuing hostility in the Senate to international jurisdiction. No progress is in prospect even for the elementary change in the so-called Connally amendment to U.S. adherence to the International Court of Justice, under which the U.S.

judges what cases fall within domestic jurisdiction. Despite support or repeal by both major parties, the American Bar Association and many national agencies, the Union among them, isolationist pressure is too strong to expect favorable action at this time.

The activities of the United Nations for human rights, among which are civil liberties, are largely confined to studies, seminars, reports and recommendations. Cold War tensions, preoccupation with the freedom of subject peoples and nationalist resistance to international intervention, combine to obstruct the progress of law to implement the principles of the Universal Declaration of Human Rights.

## *U.S. TERRITORIES*

**PUERTO RICO.** Although Puerto Rico is an autonomous Commonwealth, federal law applies to it equally with states of the Union. Efforts to extend autonomy, embodied in a bill in Congress a year ago, have apparently been shelved in view of wide opposition, the growth of a statehood party and the loss in the 1960 election of the Independence Party's legal status.

A new party developed in the 1960 campaign, organized by the Roman Catholic bishops to contest alleged anti-Catholic policies of the government, among them the refusal to institute released time from public schools for religious education. The Christian Action Party won enough votes in the election to claim places in the legislature for a senator and a representative under the minority representation system. But the legislature challenged the election on the ground of fraud in nominations by petition and of coercion of voters by the bishops who had threatened denial of the sacraments to communicants who voted for the government party.

The Christian Action Party contested the proceedings to oust their members. Both the Bishop of Ponce and the challenged legislators appealed to the Union for aid. The Union declined to intervene beyond expressing its views based on experience in mainland elections and on the principles of political rights. While deploring the threat of coercion by a church upon the exercise by any individual of his political franchise, the Union upheld the legal right of any church to form a political party, to run candidates, to use religious symbols to identify the party, and to discipline its communicants in accordance with its tenets as interpreted by its authorities. The Union further observed that if fraud was proved in the nominating process it should have been acted on before there had been officially submitted to the voters the names of certified candidates for whom they voted in good faith. No charge of fraud was made in connection with the election itself.

The Union's views were in the first instance presented to the legislative investigating committee by Roger Baldwin, the Union's International Work Adviser, who, while visiting Puerto Rico, was called as a witness by the Christian Action Party. The Union sustained the right of the legislature to determine the qualifications of its members, but urged acceptance of the two legislators for whom the required number of voters had voted in good faith.



in May the legislative committee unanimously denied seats to the suspended legislators on the grounds of coercion of voters by the bishops and of extensive fraud in nominations which it held nullified their place on the ballot. The obviously debatable issues were the first of their kind ever presented to the Union.

**VIRGIN ISLANDS.** The efforts of the Virgin Islands legislature and its newly-appointed governor, a native islander like his predecessor, to win from Congress a non-voting seat in the House of Representatives, like Puerto Rico's, failed in the 1961 session, despite support by the Interior Department. The move for an elective governor was held up pending action on the House seat. The Union has supported both reforms. A proposal to create town governments to relieve the legislature of municipal house-keeping, drafted with the Union's aid, is still under consideration, but has had to give way to the more pressing desires for representation in Congress and an elective governor.

**GUAM.** The same proposal as that of the Virgin Islands for a non-voting delegate was made by the legislature of Guam, and with the same result. The opposition in Congress appears to rest largely on the small populations of both islands and the expense involved. No further progress was made, despite representations by the Union, in removing the Navy's arbitrary restrictions on travel to Guam.

**SAMOA.** Further action for greater autonomy awaits experience with the new constitution adopted a year ago and the effects, if any, of the recent independence of Western Samoa, a United Nations trust area administered by New Zealand.

**PANAMA.** Although no complaints of denial of civil liberties have come from the Canal Zone, inquiry was made of officials and lawyers there, with reassuring results. A controversy over the flying of the Panamanian flag along with the Stars and Stripes in the leased zone was settled when the President authorized it.

**OKINAWA.** The million Japanese under the last military occupation by the U.S. are by executive order guaranteed both autonomy and civil liberties. The Union continued its efforts to induce the army to extend the somewhat limited autonomy and to remove restrictions on civil liberties not involving military security. The Union's suggestions were given careful attention both by the former High Commissioner and his successor, as well as the Department of Defense. Among the remaining unsettled problems are (1) provisions of the penal code restrictive of freedom of speech, press and association; (2) restrictions on travel to and from Japan based on ill-defined political associations; and (3) limitations on the appointment of the Ryukuan chief executive and of higher court judges. The agitation for reversion to Japan continues, with the prospect of some let-up due to the permission recently given by the President for flying the Japanese flag on public buildings on appropriate occasions and to the establishment of a joint U.S.-Japanese, Ryukuan conference to deal with specified problems.

A Ryukuan Civil Liberties Union was created, which cooperates both with the American and Japanese Civil Liberties Unions.

## ACLU AFFILIATES

*Arizona:* ARIZONA CIVIL LIBERTIES UNION—639 First National Bank Building, Phoenix. Harold Goldman, President (and Chairman, Northern Area, Phoenix). Professor Michael Mahar, Vice-President (and President, Southern Area, Tucson), 2030 Calle Alta Vista, Tucson.

*California:* ACLU OF NORTHERN CALIFORNIA\*—503 Market Street, San Francisco 5. Howard A. Friedman, Chairman. Ernest Besig, Executive Director. Chapters in Marin County, Mid-Peninsula, Monterey County, Sacramento Valley and University of California.

ACLU OF SOUTHERN CALIFORNIA\*—323 West Fifth Street, Los Angeles 13. Lloyd M. Smith, President. Eason Monroe, Executive Director. Chapters in Arrowhead, Beverly Hills-Westwood, California Institute of Technology, East Los Angeles, Hollywood, Kern County, Long Beach, Long Beach State College, Los Angeles Harbor, Los Angeles State College, Northeast, Orange County, San Diego, San Diego State College, San Fernando Valley, San Gabriel Valley, South Bay, Southeast, Southwest, UCLA, and Whittier.

*Colorado:* COLORADO BRANCH, ACLU†—1452 Pennsylvania Street, Denver 3. Charles S. Milligan, Chairman. Harold V. Knight, Executive Director. Chapters in Boulder and Colorado Springs.

*Connecticut:* CONNECTICUT CIVIL LIBERTIES UNION†—Jerome E. Caplan, Chairman. Mrs. Norman Cohen, Secretary, 105 Kohary Drive, New Haven 15. Chapters in Fairfield County, Hartford and New Haven.

*Florida:* FLORIDA CIVIL LIBERTIES UNION—509 Olympia Building, Miami 32. Howard W. Dixon, Chairman. Mrs. Mollie K. Sanders, Secretary. Chapter in Tampa Bay Area.

*Illinois:* ILLINOIS DIVISION, ACLU\*—19 South LaSalle Street, Chicago 3. Tyler Thompson, Chairman. John L. McKnight, Executive Director. Chapters in Bloomington, Carbondale, DeKalb-Sycamore, North Shore, Peoria, and Champaign-Urbana.

*Indiana:* INDIANA CIVIL LIBERTIES UNION†—Fletcher Trust Building, 108 North Pennsylvania, Indianapolis. Dr. Robert Risk, Chairman. Mrs. Sylvia Persky, Executive Secretary. Chapters in Bloomington, Calumet, Fort Wayne, Indianapolis, Lafayette, and South Bend.

*Iowa:* IOWA CIVIL LIBERTIES UNION—Kenneth Everhart, Chairman. Mrs. Katherine Bertin, Secretary, 3865 East 38th Street, Des Moines.

*Kentucky:* KENTUCKY CIVIL LIBERTIES UNION—Edgar S. Zingman, Chairman. Arthur S. Kling, Secretary, 1917 Maplewood Place, Louisville 5. Chapter in Central Kentucky.

*Louisiana:* LOUISIANA CIVIL LIBERTIES UNION—David Dover, President. Wade M. Mackie, Secretary, 1608 Government Street, Baton Rouge.

*Maryland:* MARYLAND BRANCH, ACLU†—Dr. H. Bentley Glass, President. Rev. Irving R. Murray, Chairman, Executive Board. Mrs. Fred E. Weisgal, Secretary, 5740 Cross Country Boulevard, Baltimore 9.

*Massachusetts:* CIVIL LIBERTIES UNION OF MASSACHUSETTS\*—41 Mount Vernon Street, Boston 8. Albert R. Beisel, Jr., Chairman. Luther K. Macnair, Executive Director. Chapters in Hampden, Hampshire and Worcester Counties.

\* Indicates a full-time office is maintained.

† Part-time office maintained.



- Michigan:* ACLU OF MICHIGAN\*—1302 Cadillac Tower, Detroit 26. Rollo O'Hare, Chairman. Branches in Ann Arbor, Detroit and Lansing.
- Minnesota:* MINNESOTA BRANCH, ACLU†—Midland Bank Building, Minneapolis 1. Frank S. Farrell, Chairman. Marshman Wattson, Executive Secretary.
- Missouri:* GREATER KANSAS CITY CIVIL LIBERTIES UNION—Dr. Raymond C. Bragg, Chairman. Miss Eleanore C. Blue, Secretary, 5907 Rockhill Road, Kansas City.  
ST. LOUIS CIVIL LIBERTIES COMMITTEE—Harold Norman, President. Mrs. Carolyn Losos, Secretary, 818 South Brentwood Boulevard, Clayton 5.
- New Jersey:* ACLU OF NEW JERSEY—Emil Oxfeld, President. Robert Marks, Secretary, 140 Thomas Street, Newark. Chapter in South Jersey.
- New Mexico:* AMERICAN CIVIL LIBERTIES UNION OF NEW MEXICO—Willard Kitts, President. Mrs. Frank H. Allen, Jr., Secretary, 712 Douglas MacArthur Road, N.W., Albuquerque.
- New York:* NEW YORK CIVIL LIBERTIES UNION\*—156 Fifth Avenue, New York 10. Victor S. Gettner, Chairman. George E. Rundquist, Executive Director. Chapters in Nassau County: North Shore, Mid-Nassau, South Shore; in Westchester County: Central Westchester and Shore.  
NIAGARA FRONTIER BRANCH—Robert North, Jr., Chairman, 16 St. James Place, Buffalo 22.
- Ohio:* OHIO CIVIL LIBERTIES UNION\*—710 Ninth Chester Building, Cleveland 14. R. Vance Fitzgerald, Chairman. Mrs. Vivian J. Donaldson, Executive Secretary. Chapters in Akron, Cincinnati, Cleveland, Columbus, Dayton, Oberlin, Toledo, Yellow Springs and Youngstown.
- Oregon:* ACLU OF OREGON—P.O. Box 774, Portland 7. Charles Davis, Chairman. Robert Ritcher, Secretary. Chapter in Eugene.
- Pennsylvania:* ACLU OF PENNSYLVANIA\*—260 South 15 Street, Philadelphia 2. Alexander H. Frey, President. Spencer Coxe, Executive Director. Chapters in Pittsburgh† (2602 Grant Bldg.), Erie, Harrisburg, Lancaster County and York County.  
GREATER PHILADELPHIA BRANCH, ACLU\*—260 South 15 Street, Philadelphia 2. Raymond J. Bradley, President. Spencer Coxe, Executive Director. Chapters in Delaware County, Bucks County and State of Delaware.
- Rhode Island:* RHODE ISLAND AFFILIATE, ACLU—Milton Stanzler, Chairman, 626 Industrial Bank Building, Providence. Mrs. John W. Lenz, Secretary.
- Texas:* CENTRAL TEXAS AFFILIATE, ACLU—Reece McGee, President, 1203 W. 22½ St., Austin 5. Frank Wright Secretary-Treasurer.  
GREATER HOUSTON CHAPTER, ACLU—Ben G. Levy, Chairman. Mrs. Sylvia Reiber, Corresponding Secretary, 3926 West Hampton, Houston 45.
- Utah:* ACLU OF UTAH—Stephen Smoot, Chairman. Mrs. Pat Coontz, Executive Secretary, 2974 Morningside Drive, Salt Lake City.
- Washington:* ACLU OF WASHINGTON†—1826 Smith Tower, Seattle 4. Melvin Rader, Chairman. John Darrah, Executive Secretary. Chapters in Benton and Franklin Counties.
- Wisconsin:* WISCONSIN CIVIL LIBERTIES UNION—2212 Hillington Green, Madison 5. Professor William Gorham Rice, Chairman. Louis Kaplan, Executive Secretary. Chapter in Milwaukee.

\* Indicates a full-time office is maintained.

† Part-time office maintained.

## STATE CORRESPONDENTS

(In states and territories where the Union does not have organized affiliates, these correspondents assist the ACLU by securing information and giving advice on local matters. They do not represent the Union officially.)

*Alaska*—James E. Fisher, Box 397, Kenai

*Arkansas*—Mrs. Ruth Arnold, Box 41, Little Rock

*Delaware*—William Prickett, 1310 King Street, Box 1329, Wilmington 99

*Georgia*—Morgan C. Stanford, 1431 Candler Building, Atlanta 3

*Hawaii*—Miss Mildred Towle, 431 Namahana Street, Honolulu

*Idaho*—Alvin Denman, Idaho Falls

*Kansas*—Raymond Briman, Columbian Building, Topeka

*Maine*—Prof. Warren B. Catlin, Bowdoin College, Brunswick

*Mississippi*—Jo Drake Arrington, 410-412 Hewes Building, Gulfport

*Montana*—Leo C. Graybill, 609 Third Avenue North, Great Falls

*Nebraska*—Prof. Frederick K. Beutel, University of Nebraska, Lincoln

*New Hampshire*—Winthrop Wadleigh, 45 Market Street, Manchester

*North Carolina*—James Mattocks, Professional Building, High Point

*North Dakota*—Harold W. Bangert, 400 American Life Building, Fargo

*Oklahoma*—Rev. Frank O. Holmes, First Unitarian Church, 600 Northwest Thirteenth Street, Oklahoma City

*South Carolina*—John Bolt Culbertson, P.O. Box 1325, Greenville

*South Dakota*—Benjamin Margulies, 418 Syndicate Building, Sioux Falls

*Tennessee*—Leroy J. Ellis III, Commerce Union Bank Building, Nashville

*Vermont*—Phillip H. Hoff, 178 Main Street, Burlington

*Virginia*—David H. Scull, Annandale

*West Virginia*—Horace S. Meldahl, P.O. Box 1, Charleston

*Wyoming*—Rev. John P. McConnell, 408 South 11th Street, Laramie

*Puerto Rico*—Lino J. Saldaña, 250 Fortaleza St., P.O. Box 4151, San Juan

*Virgin Islands*—George H. T. Dudley, Box 117, Charlotte Amalie, St. Thomas

## MEMBERSHIP AND FINANCES

*February 1, 1960, through March 31, 1961*

During 1960-61, the Union's fiscal year was changed to end on March 31, rather than on January 31, as formerly. This report therefore covers the period from February 1, 1960, through March 31, 1961, a total of 14 months.

On February 1, 1960, the ACLU and its 27 integrated affiliates had an enrollment of 45,935. By April 1, 1961, the total membership had risen to 50,719, a net increase of 11%. Almost 8,000 new members were added to the roster; during those 14 months about 3,200 were dropped for failure to renew their membership. The ACLU of Northern California, which handles its membership and finances separately, had about 5,000 members, some of whom also belong to the national ACLU. Taking this overlap into account, the Union had a total enrollment of approximately 54,000 on March 31, 1961.

Members' contributions for the 14 months totalled \$547,200. Income of \$10,500 from other sources brought the total to \$557,700, an increase of 1% over the same period in 1959-60. Income from bequests of former members and friends totalled \$50,000. There was a net excess of expenditures over total income of \$61,000. Among extraordinary expenses which contributed to the deficit were the Union's move to new quarters, activities in connection with the Fortieth Anniversary, the addition of another executive to the staff, the installation of new equipment and the Biennial Conference. Net worth decreased from \$139,204 to \$78,613.

The average contribution amounted to \$10.12. About 11% of the members gave less than \$5, 48% gave between \$5 and \$9.99; 34% between \$10 and \$24, 5% between \$25 and \$49, 1% between \$50 and \$99, and 1% over \$100. Those contributing more than \$200 during the 14-month period were:

Ruth Allen, Massachusetts; Amalgamated Clothing Workers, New York; Dorothy Atkinson, California; Mr. and Mrs. John P. Axtell, New York; Mrs. Evelyn P. Baldwin, New Jersey; Albert C. Barclay, New Jersey; Mrs. Helen Beardsley, California; Laird Bell, Illinois; Robert E. Bell, California; Mr. and Mrs. William Benesch, Pennsylvania; Dr. Viola W. Bernard, New York; Mr. and Mrs. Edgar Bernhard, Illinois; Anna H. Bing, California; Nelson M. Blachman, California; Elizabeth Borish, New York; Mrs. Sylvia Braverman, California; Julia C. Bryant, Connecticut; Andrew Burnett, California; Mrs. Carleton E. Byrne, California; Dr. and Mrs. John Caughey, California; Fanny Travis Cochran, Pennsylvania; Edward C. Cone, New Jersey; Professor and Mrs. Albert Sprague Coolidge, Massachusetts; Thurlow E. Coon, California; Rev. Stephen T. Crary, Rhode Island; Maxwell Dane, New York; Mr. and Mrs. A. P. Delacorte, New York; Dr. and Mrs. Max Delbruck, California; Mrs. Margaret DeSilver, New York; Robert T. Drake, Illinois; Edward J. Ennis, New York; William R. Everett, Minnesota; Dr. and Mrs. John H. Ferger, New York; Henry G. Ferguson, District of Columbia; Mrs. Stanton A. Friedberg, Illinois; Harvey Furgatch, California; Margaret Gage, California; William

M. Gaines, New York; Gloria Gartz, California; Dr. Saul B. Gilson, New York; Mr. and Mrs. J. W. Gitt, Pennsylvania; Herbert G. Graetz, Massachusetts; Mr. and Mrs. Philip H. Gray, California; William Roger Greeley, Massachusetts; Richard Grumbacher, Maryland; Charles K. Hackler, California; Mrs. Donald M. Harris, New York; Mr. and Mrs. Gilbert Harrison, District of Columbia; Henry Hirschberg, New York; Prynce Hopkins, California; B. W. Huebsch, New York; Morton D. Hull, Pennsylvania; Mrs. Sophia Yarnall Jacobs, New York; Ethel M. Johnson, California; J. M. Kaplan, New York; Dr. and Mrs. W. S. Kiskadden, California; Mrs. William Korn (for the Mayer Family), New York; Dr. Austin Lamont, Pennsylvania; Robert Maxwell Lauer, Delaware; Mrs. Agnes Brown Leach, New York; Carter Lee, District of Columbia; Hon. Herbert H. Lehman, New York; D. Richard Levy, Pennsylvania; Mrs. V. S. Littauer, New York; Mrs. Myna Lowengart, California; Macalester College Campus Chest, Minnesota; Mr. and Mrs. Patrick Murphy Malin, New York; Arnold H. Maremont, Illinois; H. Zachary Marks, Florida; Mrs. Lenore C. Marshall, New York; T. S. Matthews, England; Frances B. McAllister, California; Matt S. Meselson, California; Merle H. Miller, Indiana; Mrs. Gertrude Pascal, New York; Dr. Linus Pauling, Jr., Hawaii; Dr. and Mrs. R. B. Pettengill, Lebanon; Dr. Dallas Pratt, New York; George D. Pratt Jr., Connecticut; Mrs. Jane A. Pratt, Connecticut; Robert O. Preyer, Massachusetts; H. Oliver Rea, New York; Harold Reynolds, Vermont; Mr. and Mrs. Chester Rick, New York; T. Thatcher Robinson, Illinois; Morris Rohrlack, California; Charlotte Rosenbaum, Illinois; Walter S. Rosenberry, III, Colorado; Mrs. Alan Rosenthal, District of Columbia; Mrs. Alice F. Schott, California; Mr. and Mrs. Herman F. Schott, California; Henry W. Shelton, California; Mrs. Gratia Erickson Short, California; Mr. and Mrs. Lloyd M. Smith, California; Mrs. Ralph Smith, California; Dr. and Mrs. John Spiegel, Massachusetts; Mrs. Charles S. Stein, Jr., California; Robert M. Stein, New York; Mr. and Mrs. James Struthers, California; Mr. and Mrs. Lee Thomas, Kentucky; Miss Anne L. Thorp, Massachusetts; George B. Thorp, New York; Sidney Troxell, California; John B. Turner, New York; Mr. and Mrs. Frank Untermeyer, Illinois; Philip Wain, California; George Wallerstein, California; Charles and Lily H. Weinberg Foundation, New York; Mrs. George West, California; Mariquita West, California; Robert E. White, New York; James Whitmore, California; Harold Willens, California; Edward Bennett Williams, District of Columbia; Mary C. Wing, New York; Dr. and Mrs. Howard D. Zucker, New York; Mrs. Betty Zukor, California. Five anonymous contributions totaling \$1,650 were received.

In addition to its regular financial operations, the Union continued to supervise the Roger N. Baldwin-ACLU Escrow Account, which is administered by the Fiduciary Trust Company. Between February 1, 1960 and March 31, 1961, the Account's book-value net worth stood at \$33,000. The market value of its securities rose from \$58,000 to \$69,000.

### 1960-61 MEMBERSHIP ENROLLMENT

NATIONAL ACLU MEMBERS FEBRUARY 1, 1960	45,935
New members enrolled in 14-month period .....	7,941
Dropped: deceased, resigned, delinquent, etc. ....	3,197
<i>Net increase</i> .....	4,784
NATIONAL MEMBERS MARCH 31, 1961 .....	50,719
NORTHERN CALIFORNIA SEPARATE MEMBERS	4,000
TOTAL .....	54,719

## FUNCTIONAL MISCELLANEOUS EXPENSES

Domestic Committees .....	\$ 1,336.61
International Committee .....	755.68
Travel, hospitality, meetings, contributions .....	3,155.65
Postage, telephone, telegraph .....	2,161.96
Printing, stationery, supplies; lettershop mailing .....	1,437.20
Miscellaneous .....	962.36
	<hr/>
	\$ 9,809.46

JOINT MEMBERSHIP, FUNCTIONAL  
AND EXECUTIVE EXPENSES

Rent and cleaning .....	\$17,468.22
Postage .....	7,332.58
Repairs and equipment .....	6,612.67
Payroll taxes .....	6,310.18
Printing, stationery .....	5,092.71
Telephone, telegraph .....	3,892.23
Insurance .....	3,241.30
Audit .....	2,000.00
Addressograph system .....	1,447.76
Files, archives, clippings, library .....	1,302.28
Travel .....	1,140.36
Bank charges .....	618.71
Miscellaneous .....	3,135.97
	<hr/>
	\$59,594.97

## BALANCE SHEET

as of March 31, 1961

## ASSETS

Cash .....	\$54,655.45
Accounts receivable:	
From affiliates .....	3,929.70
Bail Deposit—Wilkinson case.....	1,000.00
Exchange .....	114.40
Loans receivable:	
Indiana CLU .....	2,084.46
Greater Philadelphia Branch .....	423.00
Securities	
Endowment .....	11,075.00
Operating .....	5,000.00
Long-term deposits	
Office rent .....	3,500.00
Airlines .....	425.00
	<hr/>
TOTAL ASSETS .....	\$82,207.01

## LIABILITIES

Payroll taxes payable .....	\$ 3,520.46
Staff saving bond purchases .....	70.35
R. N. Baldwin drawing account .....	2.60
	<hr/>

TOTAL LIABILITIES ..... \$ 3,593.41

NET WORTH, January 31, 1960 .....\$139,204.24

## NET WORTH

Endowment fund .....	12,075.00
General fund .....	66,538.60
	<hr/>

TOTAL NET WORTH .....\$ 78,613.60

## Roger N. Baldwin-ACLU Escrow Account

NET WORTH, February 1, 1960 .....	\$ 34,633.58
Income from investments .....	3,020.32
Paid to ACLU for Mr. Baldwin's part-time services .....	4,200.00
Custodian fee .....	187.50
EXCESS, expenditures over income .....	(\$ 1,367.18)
NET WORTH, book value,* March 31, 1961 .....	\$ 33,266.40*

\* Market value of securities in Account March 31, 1961: \$69,212.00

### Certificate

In our opinion, the attached financial statements present fairly the financial position of the American Civil Liberties Union, Inc., and the R. N. Baldwin Escrow Account at March 31, 1961, and the results of their respective operations for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

APFEL AND ENGLANDER  
Certified Public Accountants

A copy of the complete auditor's report will be sent on loan to any member on request. The ACLU's financial and accounting methods are endorsed by the National Information Bureau, 205 East 42nd Street, New York 17, N.Y., a private agency organized to help maintain sound standards in philanthropy and to provide contributors with information and advice.

Contributions to the American Civil Liberties Union are not deductible for income tax purposes, since the Treasury Department has held that a "substantial part" of the Union's activities is directed toward influencing legislation. The ACLU itself pays no taxes other than Social Security, Old Age Benefit and Workmen's Compensation levies in connection with its employees' salaries.

### JOIN THE AMERICAN CIVIL LIBERTIES UNION\*

#### AMERICAN CIVIL LIBERTIES UNION

156 Fifth Avenue, New York 10, N.Y.

*The ACLU needs and welcomes the support of all those—and only those—whose devotion to civil liberties is not qualified by adherence to Communist, Fascist, KKK, or other totalitarian doctrine.*

Here is my \$..... membership contribution to the work of the ACLU, fifty cents of which is for a one-year subscription to *Civil Liberties*.

PLEASE PRINT CLEARLY

NAME .....

ADDRESS .....

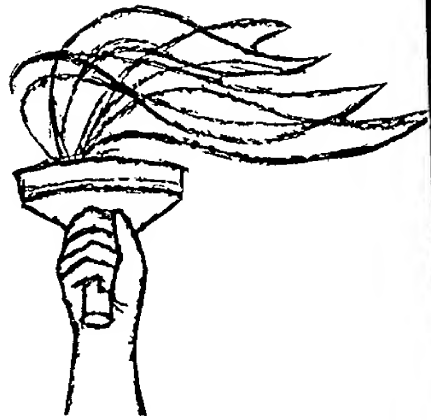
CITY ..... ZONE ..... STATE .....

Occupation .....

\* If you already belong, won't you pass this Annual Report on to a friend when you have finished it, urging him or her to join the ACLU.

Annual Report, 1960-61

**IT'S YOUR  
BILL OF RIGHTS -  
DEFEND IT!  
JOIN THE**



**AMERICAN CIVIL LIBERTIES UNION!**

ACLU members in these categories receive *Civil Liberties* each month, this 1960-61 Annual Report (and future annual reports), and their choice of pamphlets:

PARTICIPATING MEMBER .....\$100	
COOPERATING MEMBER .....\$50	SUPPORTING MEMBER .....\$10
SUSTAINING MEMBER .....\$25	CONTRIBUTING MEMBER .....\$ 5

Associate Members at \$2 receive *Civil Liberties* and the *Annual Report*. Weekly bulletin is available on request to contributors of \$10 and over. Members living in the areas listed on pages 73 and 74 (with the exception of ACLU of Northern California which maintains separate membership and finances) also belong to the respective local ACLU organization, without payment of additional dues. If you live in one of these areas, it will automatically receive a share of your contribution. The more you give the larger its share. *Be as generous as you can!* See coupon on inside cover.

**BEQUESTS TO THE ACLU**

Between February 1, 1950 and March 31, 1961, the national American Civil Liberties Union has received by bequest a total of \$202,000 from the estates of fifty-one persons. (Some affiliates have also received bequests.) The legacies have ranged from \$20 to \$34,000.

The Union regards such gifts with special pride and special obligation, because they represent the legators' final dedication to the preservation of civil liberties in our democracy.

Those desiring to make such provision in their wills may use this language: "I give \$..... to the American Civil Liberties Union, Inc., a New York Corporation." If the testator is in an area where there is an ACLU affiliate, and wishes the affiliate to share directly in the bequest, there should be added to the foregoing, "of which \$..... shall be applied to the use of its ..... affiliate."

Price of this pamphlet: 75¢ postpaid.  
Quantity prices on request.

1 - Mr.

February 2, 1962

b6  
b7c

REC-29

Mr.

Alva, Oklahoma

Dear Mr.

I have received your letter dated January 28, 1962, with its enclosure, and your interest in writing to me is appreciated.

While I would like to be of assistance to you, the jurisdiction and responsibilities of the FBI do not extend to furnishing evaluations or comments concerning the character or integrity of any individual, organization or publication. I am precluded, therefore, from furnishing the information you desire; however, you should not infer that our files do or do not contain such information.

There is enclosed some material distributed by the FBI which you may like to read.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

MAILED 20

FEB 2 - 1962

COMM-FBI

Enclosures (4)

NOTE ON YELLOW:

FBI-10211CE  
REC.D-20111AVH

Bufiles contain no identifiable data concerning the correspondent. The enclosure to his letter was a newsheet issued by the First Methodist Church in Alva, Oklahoma. It contains general news regarding the church.

NOTE ON YELLOW, CONTINUED, PAGE TWO

RDS:pw (3)

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

MAIL ROOM ☐

TELETYPE UNIT ☐

FEB 2 3 10 PM '62  
REC'D-READING ROOM  
FBI

WCS  
REC'D  
FBI  
KOD



Mr.

b6  
b7C

NOTE ON YELLOW, CONTINUED

and in one portion indicates that attempts will be made to obtain the film "Operation Correction" for showing at the church, this film having been prepared by the American Civil Liberties Union of Northern California.

"Operation Correction" is a revision of the House Committee on Un-American Activities film "Operation Abolition." It was prepared by the San Francisco American Civil Liberties Union and narrated by Ernest Besig, Director of the Northern California American Civil Liberties Union. He claimed the original film contained scrambled sequences to heighten drama and that it twisted facts. The Bureau has not reviewed "Operation Correction." The American Civil Liberties Union has not been investigated by the Bureau. It allegedly defends civil liberties of all persons regardless of political affiliations, race or nationality.

Besig was the subject of a security investigation in 1943. He has on numerous occasions attempted to thwart security investigations in San Francisco and has been most vitriolic in his denunciation of the FBI. The National Headquarters of the American Civil Liberties Union advised in 1953 it was unable to exercise any control of Besig. (100-232575)

The following literature was sent to the correspondent:

1. "The Communist Party Line."
2. Director's Statement Dated April 17, 1961, Regarding Internal Security.
3. "Time of Testing"
4. "The Faith to be Free."

TRUE COPY

WOOD-APPLEMAN COMPANY  
Pianos and Musical Instruments  
Electrical Appliances

b6  
b7c

Alva, Oklahoma

January 28, 1962

J Edgar Hoover  
Federal Bureau of Investigation  
Washington D.C.

Dear Sir:

I am writing you in regard to the "American Civil Liberties Union" of Northern California.

[redacted] has  
condemned very vigorously, the film "Operation Abolition",  
and now wishes to show what he calls the "corrected version",  
or "Operation Correction."

I am sending you a mid-week reminder bulletin,  
that you may see how he is thinking.

I would like to know whether the organization,  
"American Civil Liberties Union" is listed as communistic.  
Also is Earnest Besig, the narrator of the picture, listed  
as a communist?

We feel that we should have this information before  
letting this film be shown.

Thank you for a prompt reply.

Sincerely yours,

/s/

[redacted]  
Alva, Oklahoma

TRUE COPY

# WOOD-APPLEMAN COMPANY

Pianos and Musical Instruments  
Electrical Appliances

ALVA, OKLAHOMA

January 28, 1962

J. Edgar Hoover  
Federal Bureau of Investigation  
Washington D.C.

b6  
b7c

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Evans	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Mr. Nease	_____
Miss Gandy	_____

Dear Sir:

I am writing you in regard to the "American Civil Liberties Union" of Northern California.

[REDACTED]  
has condemned very vigorously, the film "Operation Abolition", and now wishes to show what he calls the "corrected version", or "Operation Correction".

I am sending you a mid-week reminder bulletin, that you may see how he is thinking.

I would like to know whether the organization, "American Civil Liberties Union" is listed as communistic. Also is Ernest Bean, the narrator of the picture, listed as a communist?

We feel that we should have this information before letting this film be shown.

Thank you for a prompt reply.  
Sincerely yours,

100-100000

Act.  
2-2-62  
RDS:lp

EX - 102

JAN 30 1962

# FIRST METHODIST NEWS

Alva, Oklahoma, Friday, January 26, 1962

## SUNDAY IS "WORLD SERVICE DAY" IN THE CHURCH

**WHAT IS "WORLD SERVICE?"** Just what the term suggests. It is all the many forms of service to human beings carried on by The Methodist Church in the United States and many other countries of the world. "World Service" includes:

- Operating schools and colleges to educate and train youth leadership
- Maintaining Clinics and Hospitals in many lands for people who need them and are unable to provide them for themselves.
- Telling the wonderful story of Jesus to those who do not know Him.
- Distributing portions of the Scriptures.
- Teaching parents how to rear healthier children and make better homes.
- Teaching farmers overseas how to produce better food for their families.
- Teaching pastors and teachers.

THE FOURTH SUNDAY OF EVERY MONTH is "World Service Sunday," set aside for bringing us information about this vast and wonderful service to mankind.

\$3,000 is included in our Program Budget this conference year for "World Service."

OUR JANUARY TO EASTER ATTENDANCE CAMPAIGN has been hindered by several weeks of extremely cold weather, and repeated snows over the week ends. This will change, of course, as days pass, and we should reach new and larger goals in attendance at Church Services, Sunday School, and other meetings.

MAKE CHURCH ATTENDANCE a regular part of your life every week.

Pastor

### SUNDAY IN OUR CHURCH

- 9:45 a.m. CHURCH SCHOOL CLASSES.
- 10:50 a.m. MORNING WORSHIP.
- 6:00 p.m. YOUTH FELLOWSHIP MEETINGS.
- 6:00 p.m. WESLEY FOUNDATION MEETING.
- 7:30 p.m. EVENING SERVICE.

### EVENTS NEXT WEEK

#### Monday

- 7:45 a.m. SENIOR HIGH MYF DEVOTIONS.
- 7:30 p.m. MYF DISTRICT RALLY AT WOODWARD.
- 7:30 p.m. BOY SCOUT TROOP MEETING.

#### Tuesday

- 7:00 p.m. DISTRICT WORKSHOP ON MISSIONS AT WOODWARD.

#### Wednesday

- 7:30 a.m. WESLEY FOUNDATION DEVOTIONS.
- 7:00 p.m. CHOIR REHEARSAL.
- 8:00 p.m. WESLEY FOUNDATION FIRESIDE.

#### Friday

- 5-8 p.m. PANCAKE FEED AT CHURCH.

#### Saturday

- 6 a.m.-8p.m. PANCAKE FEED AT CHURCH.

### DISTRICT MISSIONARY WORKSHOP TUESDAY

A DISTRICT MISSIONARY WORKSHOP will be held in First Methodist Church, Woodward, next Tuesday, January 30, beginning at 7 p.m.

WORK OF THE COMMISSION ON MISSIONS is the theme and purpose. This will provide more important information about the world-wide mission work of our church than any of us have ever had before. It is vitally important for every member of the Commission on Missions.

LEONARD WILLIAMS, a missionary on leave, will be there to talk with young people who are interested in this field of service, as some of our youth are. Since it is a night meeting, it is hoped they will attend.

### OUR SCHOOL OF MISSIONS

The opening date of our School of Missions has been changed to:

SUNDAY, FEBRUARY 4, AT 5:30 P.M.

This was thought advisable in order to make more adequate plans. See the full announcement on another page.

WE EXPECT THE PREACHER TO PREPARE FOR SUNDAY MORNING; WHY NOT EXPECT THE HEARERS TO PREPARE ALSO? - Selected.

## FLOWER COMMITTEE SUNDAY

Mrs. Harry Foster, Mrs. A.A. Gallon, and Mrs. Faye Summers will provide flowers for the sanctuary Sunday.

## CHRISTIANS TOLD: COPY RED'S ZEAL

If Christians had the enthusiasm that Communists display they could evangelize the world in one generation, a Nazarene missionary declared in Kansas City recently, according to Religious News Service.

Dr. DeLong, the missionary, recently returned from a tour of Russia. He told of the activities of Russian youth groups where "fanatical missionaries teach them that the ills of the world are caused by capitalism and religion, and that both must be exterminated to make possible a utopian world of communism".

## OLDER YOUTH WEEKEND CAMP

THE WEEKEND CAMP FOR OLDER YOUTH February 2, 3, and 4 at Camp Egan will be an outstanding experience for any older youth who is present.

DR. EDWIN FAIR, a well-known psychiatrist, and a member of First Methodist Church in Ponca City, is to be the speaker. He will address the group and enter discussions concerning understanding ourselves, value systems concerning alcohol and sexuality and preparation for marriage.

REGISTRATION IS DUE BY JANUARY 26, but probably will be accepted as late as next Monday. Contact Reverend L. E. Shackelford, pastor, for further information.

TOTAL COST IS ONLY \$8.00.

## "OPERATION ABOLITION"

With a new narration, the "Operation Abolition" film report by the House Committee on Un-American Activities tells a story directly opposite to the committee's account of the San Francisco student riot some month's ago.

The pictures are the same in a new version called "Operation Correction" prepared by the American Civil Liberties Union of Northern California. The new version's narrator, Ernest Besig, disputes point by point "Operation Abolition's" original narration by Fulton Lewis III.

Since the film "Operation Abolition" has been shown widely, including showings in Alva, it would be well if the corrected version, "Operation Correction," could be shown and discussed.

EX-10111

46 001-17

1 - Mr. [redacted]

February 2, 1962

REC-42

61-190-945

b6  
b7C

Mr. [redacted]

Alva, Oklahoma

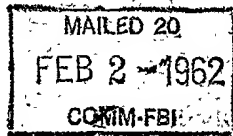
Dear Mr. [redacted]

Your letter dated January 29, 1962, with its enclosure, has been received. I appreciate your interest in communicating with me concerning this matter.

The FBI is strictly an investigative agency of the Federal Government, and while I would like to be of assistance to you, its jurisdiction and responsibilities do not extend to furnishing evaluations or comments concerning the character or integrity of any individual, organization or publication. I am unable, therefore, to comment on the individual and organization you mentioned; however, no inference should be drawn that our files do or do not contain information concerning them.

I am enclosing some material available for distribution by the FBI which you may like to read.

Sincerely yours,



J. Edgar Hoover

John Edgar Hoover  
Director

Enclosures (4)

FBI - JUSTICE  
REC.D - 20111111

FEB 1 15 31 BN .PS

FBI  
REC.D WYK-KOW

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

RDS:pw  
(3)

SEE NOTE ON YELLOW, PAGE TWO

50 FEB 13 1962

MAIL ROOM ☐

TELETYPE UNIT ☐

REC'D-READING ROOM

FBI

FEB 7 3 46 PM '62

was 7.90k  
076

Mr.

NOTE ON YELLOW:

Bufiles contain no identifiable data concerning the correspondent. The enclosure to his letter was a newssheet issued by the First Methodist Church of Alva, Oklahoma. It contains general news regarding the church and in one portion indicates that attempts will be made to obtain the film "Operation Correction" for showing at the church, this film having been prepared by the American Civil Liberties Union of Northern California.

"Operation Correction" is a revision of the House Committee on Un-American Activities film "Operation Abolition." It was prepared by the San Francisco American Civil Liberties Union and narrated by Ernest Besig, Director of the Northern California American Civil Liberties Union. He claims the original film contained scrambled sequences to heighten drama and that it twisted facts. The Bureau has not reviewed "Operation Correction." The American Civil Liberties Union has not been investigated by the Bureau. It allegedly defends civil liberties of all persons regardless of political affiliations, race or nationality.

Besig was the subject of a security investigation in 1943. He has on numerous occasions attempted to thwart security investigations in San Francisco and has been most vitriolic in his denunciation of the FBI. The National Headquarters of the American Civil Liberties Union advised in 1953 it was unable to exercise any control of Besig. (100-232575)

The following literature was sent to the correspondent:

1. "The Communist Party Line."
2. Director's Statement Dated April 17, 1961, Regarding Internal Security.
3. "Time of Testing."
4. "The Faith to be Free."

Letter addressed per return address on correspondent's envelope.

SAVERE REFRIGERATION  
CONTRACTING -- SALES AND SERVICE  
PHONE 378 619 BARNES  
ALVA, OKLAHOMA

b6  
b7c

EXP. PROC.  
JAN 31 1962

January 29, 1962

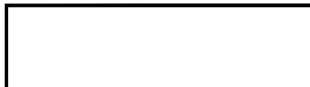
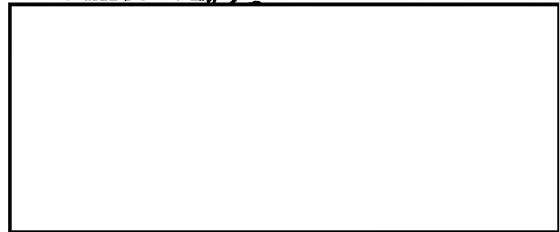
J. Edgar Hoover  
Federal bureau of investigation  
Washington D. C.

Dear Sir:

The film report "operation Abolition" by the house committee on Un-american activities was shown in our town several months ago. It was followed by considerable discussion for and against the film. I understand there is a new version of the film called "Operation Correction" prepared by the American Civil Liberties Union of Northern California which disputes the original narration by Fulton Lewis the third point by point. There is a movement here to have "Operation Correction" shown.

I have been told that the American Civil Liberties Union of Northern California is a communist organization. I would like to know if this is true. If so we would certainly not like to have a communist sponsored film shown in this community. I would appreciate very much any information you can give me in regard to the film "operation Correction" and narrated by Ernest Besig; both as to its origin and its content.

Sincerely,



ALVA, OKLAHOMA

EX-104

ENCLOSURE

Ack. w/ encl.  
2-2-62  
RDS/jm

7-42

6-190-945  
2-6  
10 JAN 31 1962

Butler  
H. J. [unclear]



FROM

PULL  
HERE

[REDACTED]  
P. O. Box [REDACTED]  
Cooper Station  
New York 3, N.Y.

b6  
b7C

**FIRST CLASS**  
PERMIT No. 7031  
NEW YORK, N. Y.

**BUSINESS REPLY MAIL**  
NO POSTAGE STAMP NECESSARY IF MAILED IN THE UNITED STATES

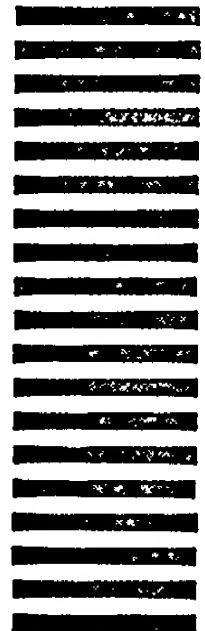
POSTAGE WILL BE PAID BY

**AMERICAN CIVIL LIBERTIES UNION**

*National Office*

156 FIFTH AVENUE

NEW YORK 10, N. Y.



*Liberty lies in the hearts of men  
and women; when it dies there, no  
constitution, no law, no court can  
save it; no constitution, no law, no  
court can even do much to help it.*

—LEARNED HAND  
1872-1961



I am glad to send \$..... as my contribution to the  
ACLU'S 1962 SPECIAL FUNDS APPEAL to support its continued fight for the  
Bill of Rights on all fronts, national and local, throughout the coming year.

*No stamp or signature needed. Simply enclose donation, seal and mail.*

REMEMBER: The ACLU's integrated affiliates, whose needs are also great, will share in  
your generosity. If you live in one of these STATES or city areas, your contribution will  
be divided with your affiliate just as your membership dues are regularly shared:

ARIZONA	IOWA	MINNESOTA	RHODE ISLAND	Houston
COLORADO	KENTUCKY	NEW JERSEY	UTAH	Kansas City
CONNECTICUT	LOUISIANA	NEW MEXICO	WASHINGTON STATE	New York City
FLORIDA	MARYLAND	OHIO	WISCONSIN	Philadelphia
ILLINOIS	MASSACHUSETTS	OREGON	Austin, Texas	St. Louis
INDIANA	MICHIGAN	PENNSYLVANIA	Buffalo	

1 - Mr.

REC- 69

b6  
b7c

February 7, 1962

Mr. [REDACTED]  
2019 Borgas Street  
Montgomery, Alabama [REDACTED]

Dear Mr. [REDACTED]

Your letter dated January 31, 1962, has been received. I appreciate your interest in writing to me.

While I would like to be of assistance to you, the jurisdiction and responsibilities of the FBI do not extend to furnishing evaluations or comments concerning the character or integrity of any individual, organization, or publication. I am precluded, therefore, from furnishing the information you desire. You should not, however, infer that our files do or do not contain such information.

Pursuant to your request, I am enclosing a list prepared by the Department of Justice of organizations which have been designated under Executive Order 10450 (the Federal Employees Security Program). In addition, you may desire to obtain a copy of the pamphlet "Guide to Subversive Organizations and Publications" prepared and released by the Committee on Un-American Activities, United States House of Representatives. This publication (revised and published December 1, 1961) may be purchased for seventy cents by communicating with the Superintendent of Documents, United States Government Printing Office, Corner North Capitol and H Streets, Northwest, Washington 25, D. C.

I am also enclosing some material distributed by the FBI which you may like to read.

Sincerely yours,

John Edgar Hoover  
Director

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

Enclosures - 4

**NOTE ON YELLOW:** No record of correspondent in Bufiles. The American Civil Liberties Union has not been investigated by the Bureau.

FEB 14 1962  
WLS:peb  
(3)

TELETYPE UNIT ☐

Note on yellow continued page 2

FEB 7 1 28 PM '62  
REC'D-READING ROOM  
FBI

Mr.

b6  
b7C

NOTE ON YELLOW - CONTINUED:

It allegedly defends civil liberties of all persons regardless of political affiliations, race, or nationality. It has at times been critical of the Bureau.

The following material was furnished the correspondent.

1. "The Communist Party Line"
2. The Director's Statement Regarding Internal Security dated April 17, 1961
3. The Director's Speech "The Faith to be Free"

TRUE COPY

WYETH  
LABORATORIES  
Division of American Home Products Corporation  
Philadelphia 1, Pa.

[Redacted]

1-31-62

b6  
b7c

2019 Borgas St. Montgomery, Ala.

Dear Sir;

Please send me an up to-date list of subversive organizations.

Would appreciate also any information on the American Civil Liberties Union.

Thanking you for your help

Sincerely

/s/

[Redacted]

P.S. If there's any charge, please send C.O.D.

TRUE COPY

**WYETH  
LABORATORIES**

DIVISION OF AMERICAN HOME PRODUCTS CORPORATION

PHILADELPHIA 1, PA.

[Redacted]  
2019 BORGAS ST. • MONTGOMERY, ALA.

Dear Sir;

1-31-62  
56  
**EXP. PROC.**  
FEB 2 1962

Please send me an up  
to-date list of subversive organizations

Would appreciate also any  
information on the American Civil  
Liberties Union.

b6  
b7C

Thanking you for your help  
Sincerely

[Redacted]

P.S. If there is any charge, please send  
C.O.D.

let to me  
2-7-62  
WSS: jcl

[Redacted]

REC-69

61-100-947

EX-108

10 FEB 8 1962

[redacted]  
Lufkin, Texas  
Jan. 31, 1962

Mr. Tolson \_\_\_\_\_  
Mr. Belmont \_\_\_\_\_  
Mr. Mohr \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. DeLoach \_\_\_\_\_  
Mr. Evans \_\_\_\_\_  
Mr. Malone \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Ingram \_\_\_\_\_  
Miss Gandy \_\_\_\_\_

pl J. Edgar Hoover, Director of F.B.I.  
Department of Justice  
Washington, D.C.

Dear Mr. Hoover, AMERICAN CIVIL LIBERTIES

"UNION"  
Enclosed are two "Letters to the Editor" of  
our local newspaper The Lufkin News and  
are a result of the showing of Operation  
Correction over the Today Show. One of  
the letters is mine, the other from Mrs.  
[redacted] who is a very nice person  
and very well to do here. I [redacted]

[redacted] and respect her very much. 30  
Her [redacted]

[redacted] and very powerful and respected  
so you see, I am not trying to cast any  
reflection upon her but I am worrying  
that people are fooled by the Operation  
Correction film. 61-190-488

Am looking the right thing, supporting  
Operation Abolition ? What can one do to

2 ENCLOSURE

71 FEB 1 1962

XP-PRO  
FEB 5 1962

REC-45 22 FEB 1962

Combate the misleading influence of the American Civil Liberties Union? The Today Show announcer stated they were a fine organization and are not on the Attorney General's list of subversive groups and are not a communist front. Is this true?

Sincerely,

Mrs.

b6  
b7c



# Letters....To The Editor

Box 1180  
Lufkin, Texas  
January 24, 1962

W. R. Beaumier,  
Lufkin News,  
Lufkin, Texas

Dear Mr. Beaumier:

On Tuesday morning the Today show presented a most interesting comparison of segments from the movie "Operation Abolition" and the corrected version, "Operation Correction." The action shown was similar, but the commentary was different, giving a completely different meaning. In one instance the sequence of events (in the San Francisco hearings and related mob violence) had been changed; in another an obviously erroneous statement was made; and so on.

Since so many local groups, including our High School students, have been shown the "Abolition" picture, it seems to me they should also be given the opportunity to see the "Correction." It is especially important that our High School students should be allowed to form their

own opinions on this matter. They should certainly know that there is at least some question about the interpretation of the events that took place.

Propaganda is defined (Funk and Wagnall's Standard Dictionary) as: Effort directed systematically toward the gaining of public support for an opinion or course of action." We all have the right, I think, to "propagandize" for what we think is right. However, we also have the obligation, as well as the right, to look at both sides of a matter and make up our own minds.

It is significant that immediately after the Thursday Today program a number of telephone calls and letters were received protesting the treatment given the film "Operation Abolition." It had been announced in advance for that day, but because of an unusual amount of current news, the presentation was omitted and not given until Tuesday of this week. Such evidence of ready-made opinion from people who had not even bothered to see the

program for themselves, is alarming.

Could the Rotary, Lions, Kiwanis, Exchange, or J.C.'s perhaps arrange for the showing of "Operation Correction" in Lufkin? It would be even better if the two could be seen at the same showing, perhaps on the local television station.

Sincerely,

Mrs. Carrol Allen.

**The Doctor Says**

61-190-998  
ENCLOSURE

Lufkin, Texas

Jan. 28, 1962

Mr. W. R. Beaumier  
Lufkin News,  
Lufkin, Texas.

Dear Mr. Beaumier:

I agree with Mrs. Carol Allen that both versions of "Operation Abolition" should be shown here. There could be no better way to illustrate to the public how the Leftist will resort to any means to distort all efforts to enlighten the public to the fact that communist can and does agitate and cause disension.

The film "Operation Abolition" is prepared and released by the House Un-American Activities Committee, narrated by Fulton Lewis III. FBI Director J. Edgar Hoover stated that it is an actual account of what took place in San Francisco in May 1960. (See "Communist Target—Youth," a report by J. Edgar Hoover, illustrating communist strategy and tactics in the rioting which occurred during H.U.A.C. hearings, San Francisco, May 12 and 14, 1960. Govt. Printing Office, Washington, D.C., 15c each.)

The film's "Operation Correction," is the same film but the American Civil Liberties Union

used their own narrator (a man named Besieg) and the whole thing is made to put a different meaning to the same picture.

The outcome of a double showing here will show how far the "Left" will go to discredit the House Committee and Mr. Hoover and thereby make our citizens more aware of the drive against the anti-communist that started in Moscow and is directed at all efforts on the part of the anti-communist, the world over, who would show the public what communism is doing and will attempt to do. (See testimony of Edward Hunter to Sub-Committee to Investigate the Administration of Internal Security Act and other Internal Laws called "The New Drive Against the Anti-Communist Program." U.S. Govt. Printing Office, Washington, D.C. Price 25c each.)

I deem J. Edgar Hoover, Director of the FBI, the undisputed authority on communism in America today and certainly, I would believe his statements on this subject far more than I could the American Civil Liberties Union, who have been known to rally to the defense of known communist in this nation.

As for the fifteen telephone calls and two letters received by treatment given the film in advance to the showing, I agree this is a deplorable and sad situation that is present in both the right and left circles, of deciding before examining all the facts, so I urge people to order the above publications from the Govt. Printing Office and get all the facts.

Mrs. Ralph Squyres

411 R

61-190-310  
ENCLOSURE

TRUE COPY

[redacted]  
Lufkin, Texas

Jan. 31, 1962

MRS [redacted]

J. Edgar Hoover, Director of F. B. I.  
Department of Justice  
Washington, D. C.

b6  
b7c

Dear Mr. Hoover,

Film Enclosed are two "Letters to the Editor" of our local newspaper The Lufkin News and are a result of the showing of Operation Correction over the Today Show. One of the letters is mine, the other from Mrs. [redacted] who is a very nice person and very well to do here. I [redacted] and respect her very much. Her [redacted] [redacted] and very powerful and respected so you see, I am not trying to cast any reflection upon her but I am worrying that people are fooled by the Operation Correction film.

LUFKIN, TEXAS

Am I doing the right thing, supporting Operation Abolition? What can one do to combate the misleading influence of the American Civil Liberties Union? The Today Show announcer stated they were a fine organization and are not on the Attorney General's list of subversive groups and are not a communist front. Is this true?

Sincerely,

/s/ Mrs. [redacted]

1tc 2-6-62/sjg

~~1-1-1962~~ 1962

JK

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. DeLoach

DATE: 2-7-62

FROM : D. C. Morrell *DM*SUBJECT: MRS. [REDACTED]  
[REDACTED]  
LUFKIN, TEXAS

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Sullivan \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

b6  
b7C

Correspondent wrote 1-31-62 enclosing two letters-to-the-editor type newspaper clippings; one written by her, supporting the film "Operation Abolition" and the other written by one, Mrs. [REDACTED] supporting "Operation Correction." The clipping written by Mrs. [REDACTED] quotes from "Communist Target--Youth" and mentions the FBI and the Director by stating that she deems the Director the undisputed authority on communism in America today.

Correspondent in her letter asks if she is doing right to support "Operation Abolition."

Bufiles indicate no derogatory or further identifying information concerning correspondent. However, she wrote 1-24-62, and discussed in her communication both "Operation Abolition" and "Operation Correction." She asks the Director's opinion on these films. In outgoing 1-31-62 she was advised that neither of the films were prepared by the FBI and it was not possible for the Director to be of assistance.

"Operation Correction" was prepared by the American Civil Liberties Union, using the same basic film tracks as "Operation Abolition" but has a different narrative.

RECOMMENDATION:

Since her current letter is repetitious of the letter she wrote 1-24-62 and since we can add nothing to our answer, her current letter should not be acknowledged.

JH:rjg  
(2)

71 FEB 15 1962

UNITED STATES GOVERNMENT

# Memorandum

~~ALL PARAGRAPHS UNCLASSIFIED EXCEPT WHERE OTHERWISE MARKED~~

TO : DIRECTOR, FBI ~~Confidential~~

DATE: 2/2/62

FROM : SAC, SEATTLE (100-571)

A.C.L.U.

SUBJECT: AMERICAN CIVIL LIBERTIES UNION

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
EXCEPT WHERE SHOWN  
OTHERWISE

IS - C INTERNAL SECURITY - COMMUNIST

Classified by 3672/etd

Declassify on: OADR

Permanently released (62-117455-86)

Attached is a clipping from the "Columbia Basin News"  
Pasco, Washington, dated January 22, 1962, entitled: "Is FBI  
Doing Job? MacDONALD Fields Hot Queries at ACLU Meet," by  
SHERIDAN PETERSON.

DIRECTOR-

UNION

The above clipping stated that tensions mounted at a  
question-and-answer period following a talk Saturday evening  
in Richland (Washington) by American Civil Liberties Director  
KENNETH A. MacDONALD of Seattle, as several persons in the  
audience charged the ACLU with being a Communist affiliate.  
Speaking of such far right organizations as the John Birch  
Society, MacDONALD reportedly left little doubt that he had no  
use for the extremists' views, but would and had defended their  
constitutional rights to say whatever they thought. "The same  
principle applies to such far left organizations as the  
Communist Party," he reportedly added. AFFILIATED WITH

During the meeting, Rev. CLINTON LOCY of the West  
Richland Christian Bible Institute asked MacDONALD if the FBI  
could be relied upon, and MacDONALD reportedly said that the  
FBI had been known to make mistakes and on some occasions had  
acknowledged them. He said that like many high officials, J.  
EDGAR HOOVER is influenced by politics. Declaring that the FBI  
supports the laws of the land and should be upheld, the Rev.  
LOCY read a statement charging the ACLU with being affiliated  
with the Communist Party and said that this statement was  
"calculated to be made by J. EDGAR HOOVER" and published by  
the American Christian Council of Laymen.

A Mrs. YVONNE WILSON said this couldn't possibly be  
accurate because the ACLU stated in a recent article in their  
publication that the ACLU was clear of any Communist association.

WASH.

REC-45

61-190-950

EX-105

8 FEB 5 1962

- 2 - Bureau (Encl 1) (REG)  
3 - Seattle (100-571)  
RECEIVED (100-21699)  
(66-2643)

HWW/map

ENCLOSURE

FEB 15 1962

R/S sent

CLASSIFIED BY 2040  
EXEMPT FROM GDS CATEGORY 2

DATE OF DECLASSIFICATION INDEFINITE

~~Confidential~~

INT. SEC. 8-26-90  
CLASS. & EXT. BY 3708 DRK/wlf  
REASON-FCIM, I, 1-2.4.2  
DATE OF REVIEW

Mr. Tolson  
Mr. Belmont  
Mr. Mohr  
Mr. Callahan  
Mr. Conrad  
Mr. DeLoach  
Mr. Evans  
Mr. Malone  
Mr. Rosen  
Mr. Sullivan  
Mr. Tavel  
Mr. Trotter  
Tele. Room  
Mr. Ingram  
Miss Gandy

EXP. PROC.

~~CONFIDENTIAL~~

SE 100-571

In reply to a question, MacDONALD said that forcing the Communists to register, removing the Communist candidates' names from the state ballots and requiring teachers to swear to loyalty oaths are all violations of the Bill of Rights of our Constitution, and that as a representative of the ACLU, he will and has defended them in court.

In answer to a question, "What can be wrong with declaring your loyalty to your country?" MacDONALD said that there is a distinction between declaring one's loyalty to his country and the sort of thing a teacher must sign, which asks if he is a Communist or has been one. Furthermore, he said it was pointless, as a Communist was not going to admit it. Another individual said that MacDONALD was overlooking an important point. If a Communist did make a false statement under oath, he could be tried for perjury.

Addressing MacDONALD, the Rev. LOCY said, "What would become of your group if the Communists were to take over? We have learned that their subjects must agree to conform to a one-man rule or be liquidated."

b6  
b7c

DEPARTMENTAL APPLICANT

The files of the Seattle Office reflect that

\*SOCIALIST WORKERS PARTY

~~CONFIDENTIAL~~

SE 100-571

~~CONFIDENTIAL~~

The files of the Seattle Office reflect that the Bureau has furnished a list of witnesses used in the presentation of the case against the Washington Pension Union before the Subversive Activities Control Board. Included in the list of witnesses for the WPU was the name of [redacted] who testified on November 16, 1955. It was noted that no witnesses had taken refuge in the Fifth Amendment in response to questions regarding Communist activities.

The above file also contains newspaper clippings regarding [redacted] in 1961. The "Mercer Island Reporter" dated [redacted] reflects that [redacted]

b6  
b7C

WASH. [redacted], Washington, in a letter to the Editor, defended Dr. [redacted] a University of Washington professor, whose invitation to speak at a PTA meeting had been cancelled, and announced that Dr. [redacted] had agreed to speak on Mercer Island on February 27, 1961, to discuss the facts of the incident and the general subject of civil liberties, including perhaps some remarks on the films "Operation Abolition" and "Communism on the Map." [redacted] also spoke before the showing of the above films in March, 1961 on Mercer Island, describing the films as a "distortion of fact" and a piece of propaganda that shows the political beliefs of the sponsors rather than a true picture of a period of history. Speaking for the films and given equal time was Mrs. [redacted]

WASH. [redacted] On April 13, 1961, [redacted] advised that BURT NELSON, Northwest Chairman of the CP, Seattle, had recently had a C.P. MEMBER discussion with [redacted] who was aware of NELSON's political WASH. position, in which they discussed who and what forces were behind the hecklers at a then recent meeting featuring ELIZABETH GURLEY FLYNN, National Chairman of the CP, in Seattle, and also at a meeting in which [redacted] had been a prime target politically, and that they agreed that the John Birch Society was out in full force to stop any progressive influences. [redacted] was extremely interested in who and what organizations were behind the heckling at the ELIZABETH GURLEY FLYNN meeting.

b6  
b7C  
b7D

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

SE 100-571

(S) On May 15, 1961, [ ] also advised that BURT NELSON and [ ] had had a meeting in [ ] office in which [ ] had related his experiences as a speaker at a meeting on Mercer Island, stating he had been threatened bodily harm by two Naval Officers whom he felt belonged to the John Birch Society, stating that for a while he did not feel he would get off Mercer Island alive. e

b6  
b7C  
b7D

~~Confidential~~



Is FBI Doing Job?

## MacDonald Fields Hot Queries At ACLU Meet

By SHERIDAN PETERSON

Tensions mounted at a question-and-answer period following a talk Saturday evening in Richland by American Civil Liberties Director Kenneth A. MacDonald of Seattle as several members of the audience charged the ACLU with being a Communist affiliate.

Speaking of such far right organizations as the John Birch Society, MacDonald left little doubt in the audience's mind that he had no use for the extremists' views, but would and had defended their constitutional rights to say whatever they thought. "The same principle applies to such far-left organizations as the Communist party," he added. "Everyone has a right to the laws laid down by our constitution, and whenever this is allowed to be violated, our democratic way of life is in danger of collapsing," he stated.

The Rev. Clinton Lacy of the West Richland Christian Bible Institute asked MacDonald if the Federal Bureau of Investigation could be depended upon. MacDonald said that the FBI had been known to make mistakes and on some occasions had acknowledged them. He said that like many high

officials J. Edgar Hoover is influenced by politics.

**DECLARING THAT** the FBI supports the laws of the land and should be upheld, the Rev. Lacy read a statement charging the ACLU with being affiliated with the Communist party. He said that the statement was "calculated to be made by J. Edgar Hoover" and published by the American Christian Council of Laymen.

Mrs. Yvonne Wilson said that this couldn't possibly be accurate because the ACCL stated in a recent article in their publication that the ACLU was clear of any Communist association.

In reply to a question, MacDonald said that forcing a Communist to register, removing the Communist candidates' names from state ballots and requiring teachers to swear to loyalty oaths are all violations of the Bill of Rights of our constitution and as a representative of the ACLU, he will and has defended them in court. "As a matter of fact, in a couple of weeks I shall be the defense attorney at the supreme court for

(Continued on page 8)

AMERICAN CIVIL LIBERTIES  
UNION - IS-C  
SE 100-571

COLUMBIA BASIN NEWS  
PASCO, WASHINGTON  
JANUARY 22, 1962

EDITOR - GIL LYONS

SEATTLE DIVISION

61-190-950

ENCLOSURE

## MacDonald Fields Hot Queries At ACLU Meet

(Continued from Page 1)

a teacher who refused to sign a loyalty oath," he added.

WALTER REESE read a statement from the Congressional Record made last year by a California representative, whom MacDonald identified as a "John Birch." The report quoted top men in the ACLU such as Roger Baldwin as adhering to Communist ideology. It also emphasized the point that the ACLU's main purpose for existing was to defend Communists brought to trial.

John Shephard, who recently moved to the Tri-Cities area from California, said that this information was from a report made by Jack Tenney in 1948 which has long since been thoroughly refuted by the California legislature as completely false. He added that state officials have given the ACLU a clean bill of health.

Walter Reese said that he felt that MacDonald owed an apology for saying that Robert Welch and other radical right wingers had been responsible for a number of Protestant churches being smeared with anti-Communist slogans in Seattle recently. MacDonald protested that he had not accused these men of directing such activities. He explained that he had said that their condemnations while at Seattle recently of the

United Council of Churches being Communist infiltrated had undoubtedly encouraged some marginal lunatic to paint anti-Communist accusations on the buildings.

WALLY ADAMS asked if MacDonald objected to taking a loyalty oath. "What can be wrong with declaring your loyalty to your country?" he asked. MacDonald said that there is a distinction between declaring one's loyalty to his country and the sort of thing that a teacher must sign which asks if he is a Communist or ever has been. This is quite downgrading and mortifying to the intellectual, he added. Furthermore, it is pointless because if he is a Communist, he is not going to admit it, he stated.

A man identified only as Delmarks said that MacDonald was overlooking an important point. If a Communist does make a false statement under oath and later is found to be a Communist, the court can get him for perjury.

"Since you will defend your worst enemies," the Rev. Lacy said, addressing MacDonald, "what would become of you and your group if the Communists were to take over?" "We have learned that their subjects must agree to conform to a one-man rule or be liquidated," he added.

UNITED STATES GOVERNMENT

## Memorandum

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Sullivan ☒  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Ingram \_\_\_\_\_  
 Gandy \_\_\_\_\_

TO : Mr. DeLoach

DATE: 2-7-62

FROM : M. A. Jones

SUBJECT: MR. [REDACTED]  
 RADIO STATION [REDACTED]  
 PHOENIX, ARIZONA

b6  
 b7C

On 2-7-62, captioned individual telephoned the Director's office and was referred to SA [REDACTED] in the Crime Research Section. He was most complimentary regarding the Director and the Bureau and stated that last night he attended a private showing of the film, "Operation Correction" which was sponsored by the American Civil Liberties Union. After the film was shown, comments from the audience were invited. [REDACTED] criticized the film and quoted from portions from "Communist Target--Youth." A minister, name not recalled, then stated that the Director had recently changed his mind and, in a public statement, had said he had been wrong in stating that communist influences had inspired the San Francisco riot in May, 1960. Mr. [REDACTED] wanted to know if it was true that the Director had made such a statement.

He was advised that no such statement had been made by the Director. He was further informed that the facts outlined in our report speak for themselves, and that the report was based upon our investigation of Communist Party activities, from eyewitnesses on the scene, and from reports of local authorities involved.

[REDACTED] stated that he was sure this was the case, that he wanted to take a stand on this matter in connection with editorials which he prepared for his radio station, and that he, therefore, intended to send a wire to the Director requesting Mr. Hoover to reply by return collect telegram affirming that he had not issued the statement as alleged above.

## INFORMATION IN BUFILES:

EX. 7/19

REC- 29

61-190-951

On 12-29-61, [REDACTED] wrote to us enclosing an editorial which had been presented over his radio station and which criticized the coddling of youthful offenders. The Director acknowledged his letter on 1-4-62, enclosing reprint material. No other information in Bufiles, and no derogatory information or other correspondence with his radio station.

## RECOMMENDATION:

None. For Information.

1 - Mr. [REDACTED]  
 CJH:ear (6)

16 FEB 12 1962

CRIME RESEARCH

February 12, 1962

REC-19

61-140-952

EX-102

Mr. [REDACTED]

Watsonville, California

b6  
b7C

Dear Mr. [REDACTED]

I have received your letter dated February 5, 1962, with its enclosure.

Although I would like to be of assistance to you, the FBI is strictly an investigative agency of the Federal Government and its jurisdiction and responsibilities do not extend to furnishing evaluations or comments concerning the character or integrity of any individual, publication or organization. I am precluded, therefore, from commenting on the organization you mentioned; however, you should not infer that our files do or do not contain information relating to it.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

NOTE ON YELLOW:

Bufiles contain no identifiable data concerning the correspondent. The enclosed a clipping from his local paper which was a short article about the American Civil Liberties Union (ACLU) giving information as to its size and its general activities.

MAILED 5  
FEB 12 1962  
COMM-FBI

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

LEB 15 11 30 AM '62

RDS:bgc  
(3)

LEB 3 NOTE CONTINUED PAGE TWO

51  
FEB 19 1962

LEB 15 2 51 PM '62

RECEIVED-DIRECTOR

MAIL ROOM ☐

TELETYPE UNIT  
FEB 15 2 51 PM '62

Mr.

b6  
b7c

**NOTE ON YELLOW FROM PAGE ONE:**

The ACLU has not been investigated by the FBI. It allegedly defends civil liberties of all persons regardless of political affiliation, race or nationality and has at times been critical of the FBI.

No literature is being furnished the correspondent since to do so in this instance may tend to indicate to him the ACLU may be communistic.

Feb. 5, 1962

John Edgar Hoover  
Director of F.B.I.  
Washington, D.C.

Dear Sir

Enclosed you will find a clipping which appeared in our only local paper, The Register Pajaronian. This paper makes a habit of praising the American Civil Liberties Union. Also this particular paper continually condemns anti-Communism in almost every form.

Information came to me that many leaders and prominent officials of the ACLU are Communist party members or members of Communist front organizations. I took this information to the editor of our paper and asked him to please stop the high praise for an organization of this sort. (This particular organization is recently very active in this area, especially in condemning the House of Un-American Activities Committee's film "Operation Abolition".) He said that he would continue his present policy unless I could produce evidence from you that this organization is a front or subversive organization. The liberal press has really done extensive damage to the anti-Communist program and we are trying to combat this with positive proof. REC-19

I would certainly appreciate a letter from you with any facts you may have pertinent to the subject. I may be on the wrong track, and if I am, would appreciate knowing it.

Sincerely, 22 FEB 13 1962

Watsonville, Calif.

ENCLOSURE

Ack.  
2-12-62  
RDS/bge

X-102

b6  
b7c

WATSONVILLE  
FEB 13 1962

## One friend of the court

(From the Washington Post)

The 1950s were a decade of dramatic growth for the American Civil Liberties Union, alike in membership and in activity. It has become a national organization with more than 55,000 members and 75 units in 27 states. And the times have provided it with plenty to do. Without regard for party labels or political peculiarities, the ACLU has appeared in police stations and in courts and before congressional committees for many an unpopular defendant in danger of being pushed around by the authorities, has filed many a brief as a friend of the court in many a controversial constitutional cause.

The phenomenal growth and the effective activity of the ACLU have been under the lively and devoted direction of Patrick Murphy Malin for the past 12 years. Now he is about to leave the Union to become president of the American-operated Robert Colleges in Istanbul. He will be succeeded as executive director by John de J. Pemberton Jr., a lawyer, teacher and ardent libertarian. The country owes great gratitude to Pat Malin; it must look hopefully and with warm good wishes to his successor.

For the ACLU is more than a defender of individuals in trouble, more even than a friend of the court. It is a vital champion of the heritage that enables Americans to call themselves free men.

61-190-952

ENCLOSURE

REC-70

61-190-953

February 12, 1962

AIRMAIL

FEB 12 4 32 PM '62  
REC'D-READING ROOM  
FBI

801-X7

Mr. [redacted]

Rock Hill 17, Missouri

Dear Mr. [redacted]

Your telegram of February 8th has been received.

Although I would like to be of service, the FBI, as an investigative agency of the Federal Government, does not make evaluations nor draw conclusions as to the character or integrity of any organization, publication, film or individual. I regret I am unable to help you, and I feel sure you will understand the necessary reasons for this policy.

b6  
b7c

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

MAILED 5  
FEB 12 1962  
COMM-FBI

NOTE: Correspondent cannot be identified in Bufiles. It appears that the first name on the incoming telegram which is spelled [redacted] is a typographical error, and the outgoing is being addressed to Mr. [redacted]

"Operation Correction" is distributed by the American Civil Liberties Union and uses the same film as "Operation Abolition" with a different narration.

JH:ljt (3)

- Tolson \_\_\_\_\_
- Belmont \_\_\_\_\_
- Mohr \_\_\_\_\_
- Callahan \_\_\_\_\_
- Conrad \_\_\_\_\_
- DeLoach \_\_\_\_\_
- Evans \_\_\_\_\_
- Malone \_\_\_\_\_
- Rosen \_\_\_\_\_
- Sullivan \_\_\_\_\_
- Tavel \_\_\_\_\_
- Trotter \_\_\_\_\_
- Tele. Room \_\_\_\_\_
- Holmes \_\_\_\_\_
- Gandy \_\_\_\_\_

REC'D FBI ROOM

MAIL ROOM ☐ TELETYPE UNIT ☐



FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION  
FEB 8 1962

**WESTERN UNION**

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Evans	_____
Mr. Malone	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Mr. Ingram	_____
Miss Gandy	_____

BIA014 316P EST FEB 8 62 SA149

S LLV243 PD TDS ROCK HILL CO 8 206P CST

J. EDGAR HOOVER

FEDERAL BUREAU OF INVESTIGATION WASHDC

*Distributed By Subject Organization*

\* OPERATION CORRECTION IS BEING SHOWN ON THE CAMPUS ST LOUIS  
UNIVERSITY AS A MEMBER OF THE CONSERVATIVE CLUB AND ANTI-COMMUNIST  
GROUP ON CAMPUS I WOULD LIKE ANY INFORMATION ON THIS FILM THAT  
YOU OR YOUR DEPARTMENT CAN GIVE US

b6  
b7c

REC-70

11 FEB 13 1962

EX-108

*1d - mml ack 2-12-62 J.H. L.H.*

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. DeLoach

DATE: 2/5/62

FROM : M. A. Jones

SUBJECT: 41ST ANNUAL REPORT OF THE  
AMERICAN CIVIL LIBERTIES UNION  
(ACLU)

Tolson	✓
Belmont	✓
Mohr	
Callahan	
Conrad	
DeLoach	
Evans	✓
Malone	✓
Rosen	✓
Sullivan	✓
Tavel	✓
Trotter	✓
Tele. Room	
Ingram	
Gandy	

The 41st Annual Report of the ACLU, encompassing a period of 7/1/60 to 6/30/61, is entitled "Testing Whether That Nation," and it is a rundown on actions taken by the Union in this pertinent period.

The FBI is mentioned rather casually only three times in the whole report. On page 11, it is reported that Texas schools are using material to study communism from "non-academic sources as the FBI and the U. S. Chamber of Commerce," an acceptable practice says the ACLU but contributions of this nature should be evaluated by professionally-trained educators. Page 18 concerns an FBI investigation, ordered by the President after a weekly news magazine reported "military plans to defend Berlin." The report indicates that this investigation was inclusive and goes into no additional details. On page 62, it is reported "FBI director J. Edgar Hoover assured the ACLU, in an exchange of correspondence, that fingerprint records and mug shots of persons arrested but not convicted or prosecuted are returned to local authorities for destruction at their request while the FBI does the same with its copies." This is in connection with a discussion under the heading "Illegal Search and Seizure" in the report. It furnishes no other information concerning this special FBI reference.

The following topics of interest were also noted in review of this report:

**COURT PROCEEDINGS:** The report indicates that the ACLU was deeply disappointed over two 5-4 decisions by the U. S. Supreme Court which upheld the investigation powers of the House Un-American Activities Committee. It is noted that the Court did this in affirming a contempt of Congress conviction of Frank Wilkinson and Carl Braden, both of whom the ACLU had assisted by providing legal defense. It is noted that both had refused to answer charges concerning their Communist Party affiliations, claiming they had immunity in the First Amendment. The Union states that these verdicts have once again "assigned the constitutional rights of the individual to a secondary position." (Page 57)

**HOUSE UN-AMERICAN ACTIVITIES COMMITTEE (HUAC):** The report indicates that the ACLU has opened a wide-range campaign to awaken the public to the violations of civil liberties committed by the HUAC with the goal of "elimination of the Committee through legislative means." The massive educational drive, it continues, has been opened by the Union against the Committee through newspaper articles, editorials, and so forth. The Union has called on the general public to maintain the freedoms of the Bill of Rights by

ELR:jrb (6)

ENCLOSURE ATTACHED

CRIME RESEARCH

Jones to DeLoach Memorandum RE: ACLU

opposing "the continued depredations of the HUAC," the report states. It notes that those who understand the evils of totalitarianism are concerned over the actions of this Committee as there are very few restraints on it. (Page 39)

OPERATION ABOLITION: This film, according to the report, has been shown thousands of times, frequently by the American Legion and the John Birch Society, to schools, police units and other municipal agencies. ACLU indicated it is a hodgepodge of inaccuracies and distortion and that great harm can be engendered by showing this film indiscriminately without any effort to expose the inaccuracies. It takes to task the HUAC for sponsoring the film. (Page 40)

SMITH ACT: The report deplores the U. S. Supreme Court decision in 1961 upholding the constitutionality <sup>of membership</sup> clause of the Smith Act. It states that for the first time in American history, "the requirement that an organization register because of the content of its political program has been given constitutional sanction." (Page 41)

JOHN BIRCH SOCIETY: The ACLU has defended the right of the John Birch Society to express its views although it feels these views may harm civil liberties by making people afraid of speaking out for fear that they might be called communist. The Union indicated in a letter to HUAC that institution of governmental investigation of the Society's "assault upon the First Amendment" is a responsibility for the public to demand. It noted that the rapid emergence of the John Birch Society was evidence of a boom currently being enjoyed by right-wing organizations. (Page 42)

WIRETAPPING: ACLU has demanded a complete ban of wiretapping and urged Congress to further tighten Federal laws against such practices. It advises that legal wiretapping would be a "move closer towards a police state where constant government intrusion and surveillance inhibit and constrict a free people." It further objects, the report continues, to proposals that would give each state the right to adopt any system of wiretaps it desires as long as there is a judicial finding of "reasonable grounds" to undercover a crime or evidence of a crime. (Page 60)

ILLEGALLY OBTAINED EVIDENCE: The report comments that the Supreme Court, in a recent decision, outlawed the introduction of illegally seized evidence in state criminal trials. It noted this will make it incumbent on local police officers to observe constitutional standards in investigations in the future. (Page 64)

RECOMMENDATION:

For information.

## 1960-61 FINANCIAL REPORT

(The Union's fiscal year was changed in 1961 to end on March 31, rather than on January 31. This report thus includes the interim period, and covers 14 months—February, 1960, through March, 1961.)

INCOME	Number	Amount
New members' initial dues payment .....	7,981	\$ 58,881.36
Membership renewals .....	36,648	385,492.77
Special Funds contributions .....	9,442	102,864.21
<b>TOTAL MEMBERSHIP INCOME</b> .....	<b>54,071</b>	<b>\$547,238.34</b>
Executive Director's honorariums .....		890.00
Sale of pamphlets .....		2,795.52
From ACLU-Roger N. Baldwin Escrow Account .....		4,200.00
<b>TOTAL REGULAR INCOME</b> .....		<b>\$555,123.86</b>
Extraordinary contributions earmarked for national office Legal Expansion Fund .....		2,572.23
<b>TOTAL CURRENT INCOME</b> .....		<b>\$557,696.09*</b>
Bequests from the estates of former members and friends:		
James B. Barnett .....		\$13,396.53
Ivan Benedict .....		100.00
Richard T. Brooke .....		1,579.08
Clara M. Brumm .....		100.00
Robert C. Cone .....		20,000.00
Samuel L. Hoover .....		4,243.75
Ruth S. Tolman .....		701.22
Marjorie F. Warner .....		1,000.00
Ruth F. Weinberg .....		3,934.56
		<b>\$45,055.14</b>
U.S. Certificate of Indebtedness, from estate of Samuel L. Hoover .....	5,000.00	\$50,055.14
<b>TOTAL ALL INCOME</b> .....		<b>\$607,751.23</b>

\* This does not include funds locally raised and spent by affiliates, bequests and endowment, or volunteers' unpaid services.

## EXPENDITURES

TRANSFERS TO INTEGRATED AFFILIATES from joint membership income; i.e., all contributions received from members in each affiliate's area, except those earmarked for special national or local purpose.

	Affiliate's Net Worth 3/31/61	Affiliate's additional local income	TRANSFERRED from joint memb. income
Southern California .....	\$27,884.58	\$26,077.35	\$70,319.60
N.Y.C.L.U. ....	14,761.89	9,738.98	38,719.90
Illinois Division .....	627.10	8,257.47	26,905.02
C.L.U. of Massachusetts .....	4,175.46	366.26	20,839.80
Penna./Phila. Branches .....	818.85	3,436.03	20,339.65
Ohio C.L.U. ....	1,782.16	none	12,867.80
Minnesota Branch .....	1,696.15	208.00	7,313.10
Michigan C.L.U. ....	510.98	493.60	6,430.40
Maryland Branch .....	2,761.98	none	6,081.40
ACLU of Washington...	311.11	582.55	5,140.83
Florida C.L.U. ....	3,792.10	6,541.98	4,636.00
Indiana C.L.U. ....	(1,167.48)	1,555.00	4,295.80
Colorado Branch .....	183.21	1,351.15	4,248.10
Connecticut C.L.U. ....	3,704.71	51.28	3,250.50
Wisconsin C.L.U. ....	3,457.48	none	2,508.00
New Jersey C.L.U. ....	1,883.57	210.00	2,480.40
St. Louis Committee ....	1,007.83	none	2,068.60
ACLU of Oregon .....	780.88	1,027.66	2,030.00
Arizona C.L.U. ....	791.00	none	1,914.40
Kentucky C.L.U. ....	1,472.56	none	1,628.80
Iowa C.L.U. ....	1,144.62	none	1,618.50
Louisiana C.L.U. ....	1,263.67	none	1,201.20
Rhode Island C.L.U. ....	373.46	none	811.20
Niagara Br. (Buffalo)...	461.11	none	788.90
ACLU of Utah .....	408.06	none	588.60
			<b>\$249,026.50</b>
Special grants			
Arizona C.L.U. ....			1,000.00
Michigan C.L.U. ....			1,500.00
Penna./Phila. Branches .....			1,500.00
			<b>\$253,026.50</b>

## EXPENDITURES (continued)

### MEMBERSHIP OPERATIONS

Salaries .....	\$53,285.44
New promotion .....	26,348.90
Annual renewal .....	20,777.57
Semi-annual special appeals .....	14,674.97
General .....	1,677.14

### FUNCTIONAL OPERATIONS

Salaries .....	\$113,036.12
Legal work .....	13,494.54
<i>(See Litigation on opposite column)</i>	
Educational expenses .....	44,714.56
<i>(See Education on opposite column)</i>	
General .....	9,809.46
<i>(See Functional—Miscellaneous on page 80)</i>	

### EXECUTIVE OPERATIONS

Salaries .....	\$47,479.03
Administrative .....	591.89
Board of Directors and general committees .....	1,172.38
Corporate and affiliate services .....	9,658.40
	<hr/>
	\$58,901.70

### JOINT MEMBERSHIP, FUNCTIONAL AND EXECUTIVE

EXPENSES .....	\$59,594.97
<i>(See Joint Expenses, page 80)</i>	

### LITIGATION\*

Wilkinson-House Un-American Activities Committee test case .....	\$1,556.46
Hood vs. Board of Trustees school segregation case .....	1,170.81
Oregon text book church-state case .....	1,064.26
Florida sit-ins .....	748.85
Koinonia school segregation case .....	706.60

\* Full details on these cases will be found elsewhere in the Report. Expenditures indicated above cover only out-of-pocket items such as printing of briefs, travel, long-distance phone calls, etc. The Union's cooperating attorneys work without fee.

Nostrand-Savelle loyalty oath case .....	700.00
Torcaso church-state case .....	560.77
City of Montgomery vs. Nesmith restaurant segregation case .....	450.00
People vs. Codare due process-fair trial case .....	405.50
Two Guys from Harrison Sunday Blue Laws case .....	372.83
Carr vs. Watkins right-to-privacy case .....	314.96
Poe vs. Ullman anti-birth control statute case .....	274.60
Apalachin detention, search and seizure case .....	272.28
Gomillion vs. Lightfoot racial gerrymandering case .....	250.22
Pauling vs. Eastland First Amendment case .....	221.08
Gallagher vs. Crown Kosher Sunday Blue Laws case .....	220.72
Ostrosky employment and Fifth Amendment case .....	200.00
Isaac Pert due-process capital punishment case .....	200.00
McCoy-Latham extradition case .....	172.11
Turoff contempt of Congress case .....	166.61
Illinois film censorship case .....	164.51
Cronan vs. FCC radio license and First Amendment case .....	120.83
Lampe vs. U.S. due process right-to-counsel case .....	108.96
Worthy vs. State Department passport case .....	106.80
Communist Party vs. Subversive Activities Control Board .....	105.49
People vs. Munoz literacy-in-English voting case .....	104.50
Sweeney due process parole-revocation case .....	104.13
32 cases under \$100 .....	1,235.75
Legal work—New York office and Washington, D.C. ...	1,414.91
	<hr/>
	\$13,494.54

### EDUCATIONAL EXPENSES

Annual Report .....	\$20,081.73*
Civil Liberties .....	13,063.15
Feature Press Service .....	4,890.56
Pamphlets, reprints, literature purchased .....	3,986.54
National Civil Liberties Clearing House .....	1,000.00
Printing, stationery, supplies .....	655.90
Miscellaneous .....	2,436.68

---

\$44,714.56

\* Because of revised fiscal year, includes total cost of two Annual Reports.

REC-70

61-190-955

February 7, 1962

Mr. Richard William Dingle  
408 High Street  
Pullman, Washington

Dear Mr. Dingle:

I have received your letter of January 31st, with enclosure, and the interest prompting you to communicate with me is appreciated.

While I would like to be of assistance to you, the FBI is strictly an investigative agency of the Federal Government and neither makes evaluations nor draws conclusions as to the character or integrity of any organization, publication or individual. In this connection, information contained in our files must be maintained as confidential in accordance with regulations of the Department of Justice. In view of this, I am sure you will understand why I am unable to comment in the manner you have suggested.

Enclosed is some material you may like to read.

Sincerely yours,

J. Edgar Hoover

MAILED 5

FEB 8 - 1962

RECEIVED READING ROOM  
B I

FEB 7 5 42 PM '62

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Loach \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holloman \_\_\_\_\_  
Gandy \_\_\_\_\_

Enclosures (5) Let's Fight Communism Sanely!

4-1-61 LEB Intro

Communist Illusion and Democratic Reality

The Communist Party Line

Director's speech 12-7-61 "The Faith to be Free"

Follow up made for 2-16-62

1 - Seattle - Enclosures (2)

ATTENTION-SAC: Make discreet checks of established sources to obtain information relative to Dingle, to assist Bureau in answering any future correspondence from him. He should not become aware of our interest. Submit results, ATTENTION: Correspondence and Tours, to reach Bureau by 2-16-62.

JCF:lc\* (4)

TELETYPE UNIT

NOTE: Correspondent cannot be identified in Bufiles.

January 31, 1962

Mr. J. Edgar Hoover  
Federal Bureau of Investigation  
U.S. Department of Justice  
Washington, D. C.

Dear Mr. Hoover:

Recently a chapter of the American Civil Liberties Union was organized here on the campus of Washington State University. This event has been attended by what almost amounts to a hysterical reaction by many who believe the A.C.L.U. to be a Communist Front organization. Needless to say, none of us are particularly desirous of belonging to such a front organization not even of having one in our midst. At the same time many of us feel that the charges are spurious and would be very grateful for some clarification.

The most recent and widely peddled testimony in behalf of the anti-A.C.L.U. element and their arguments is the enclosed extract from the Congressional Record Proceedings and Debates of The 87th Congress, First Session, entitled "The Truth About the American Civil Liberties Union" Extension of Remarks of Hon. John H. Rousselot of California in the House of Representatives Wednesday, September 20, 1961..

Apparently Mr. Rousselot had the contents of a pamphlet prepared by Organizational Research Associates, P.O. Box 51, Garden Grove, California included in the appendix of the Congressssional Record. Obviously the objective of this organization in publishing the pamphlet was to discredit the A.C.L.U. Now, I am personally not a member of the A.C.L.U., but I am interested in the charges which have been placed against it and unwilling to accept the enclosed reprint from the Congressional Record as evidence that the charges made in it are right.

I am wondering if it would be possible to secure information from your office concerning the creditability of the source of this "information", the Organizational Research Associates. For all I know they may be a communist front organization (they certainly seem to be serving the purposes of international communism here by making everyone suspicious of everyone else -- or at least trying to). If you could tell me who is behind this organization and what their purpose seems to be I would be very grateful.

A second type of information I would like from your office is a statement concerning the American Civil Liberties Union. Is it considered a Communist Front organization? Has it ever been?

Further, I would like to know to what extent the specific charges made in the attached paper are based on truth. It seems to me that there has been a deliberate effort to weave into this statement the names of as many prominent members of the communist party as the writers could remember. The connection with the A.C.L.U. is frequently loose and as frequently missing, although ample opportunity is given the reader to make the association.

I realize that my request for such detailed information may be very inconvenient, however, it seems quite important to me and many of my associates to receive reliable answers to these questions. The creation of factions who are bitterly opposed amongst church members and faculty people is undesirable and unhealthy. If it is possible to stop the argu-

ENCLOSURE

Mr. Tolson  
Mr. Belmont  
Mr. Mohr  
Mr. Callahan  
Mr. Conrad  
Mr. DeLoach  
Mr. Evans  
Mr. Malone  
Mr. Rosen  
Mr. Sullivan  
Mr. Tavel  
Mr. Trotter  
Tele. Room  
Mr. Ingram  
Miss Gandy

EX-101

EX 101

REC-70

61-190-95

25 FEB 14 1962

8-904



ment among ourselves by a word from a mutually recognized and respected authority, perhaps we would have peace. It is also possible that we could all learn something.

My view point in the matter is doubtless plain as day to you. I am not in sympathy with "The Truth...." as presented by Organization Research Associates, However if it turns out that I <sup>am</sup> wrong I will show your answer to the same people I would show it to if I am right. My reason for writing is to learn and to remove doubt. I feel as though I should be critical and not credulous but I am willing to be convinced.

Your response will be gratefully received whenever it is convenient for you to make it.

Sincerely yours,

*Richard Wm. Dingle*  
Richard Wm. Dingle

2 408 High Street

3 Pollman, Washington



(Not printed at Government expense)



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 87<sup>th</sup> CONGRESS, FIRST SESSION

## The Truth About the American Civil Liberties Union

EXTENSION OF REMARKS  
OF

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 20, 1961

Mr. ROUSSELOT. Mr. Speaker, many people have become very concerned about the connections of certain persons involved in the affairs of the American Civil Liberties Union with Communist front groups. They are asking the question: Does the ACLU really promote adherence to rights guaranteed the individual by the Constitution?

Organizational Research Associates, the address of which is Post Office Box 51, Garden Grove, Calif., has prepared a pamphlet entitled, "The Truth About the American Civil Liberties Union," which I believe should be brought to the attention of every Member of Congress and to the American public. Under unanimous consent, I include the pamphlet in the Appendix of the CONGRESSIONAL RECORD:

### THE TRUTH ABOUT THE AMERICAN CIVIL LIBERTIES UNION

"Masters of Deceit," J. Edgar Hoover, page 228: "Fronts probably represent the party's most successful tactic in capturing non-Communist support. Like mass agitation and infiltration, fronts espouse the deceptive party line (hence the term 'front'), while actually advancing the real party line. In this way the party is able to influence thousands of non-Communists, collect large sums of money, and reach the minds, pens, and tongues of many high-ranking and distinguished individuals. Moreover fronts are excellent fields for party recruitment."

Dr. Fred C. Schwarz, executive director of the International Christian Anticommunism Crusade, "Communist Legal Subversion," page 75, HCUA: "Any attempt to judge the influence of Communists by their numbers is like trying to determine the validity of the hull of a boat by relating the area of the holes to the area which is sound. One hole can sink the ship. Communism is the theory of the disciplined few controlling and directing the rest. One person in a sensitive position can control and manipulate thousands of others."

One quick way to evaluate the ideology of organizations is through consideration of the statements and claims of their leaders. So it seems necessary for a realistic appraisal of the civil rights policy of the American Civil Liberties Union that we develop the factual background of their prominent officials and leaders.

It has taken us months of painstaking research to prepare this pamphlet; it will take

you only minutes to read it. So please read it and then pass it on and inform others of the information you are about to learn.

### SECTION I

These are a few of the past and present prominent officials and leaders of the American Civil Liberties Union.

1. Roger Baldwin, founder and guiding light of the ACLU for over 30 years, is now a member of the National Committee of the ACLU. Mr. Roger Baldwin has a record of over 100 Communist-front affiliations and citations (documented in detail, CONGRESSIONAL RECORD May 26, 1952). In an article written for Soviet Russia Today (September 1934), Roger Baldwin said: "When the power of the working class is once achieved, as it has been only in the Soviet Union, I am for maintaining it by any means whatsoever." "The class struggle is the central conflict of the world, all others are coincidental."

Entry of Roger Baldwin in the Harvard reunion book on the occasion of the 30th anniversary reunion of his class of 1905 (1935), "I seek social ownership of property, the abolition of the propertied class, and sole control of those who produced the wealth; communism is the goal."

2. Dr. Harry Ward, first chairman of the ACLU. Dr. Harry Ward has a record of over 200 Communist front affiliations and citations listed by the House Committee on Un-American Activities (HCUA). Dr. Harry Ward was chairman of one of the largest Communist fronts to flourish in this country, "The American League for Peace and Democracy," which was placed on the Attorney General of the United States list of subversive organizations on June 1, 1948. Dr. Ward is the author of "Soviet Democracy" and "Soviet Spirit," two pro-Communist books which clearly show Dr. Ward's love for the Soviet system of government. The California Senate Fact Finding Committee on Un-American Activities, in their 1948 report, page 246, said: "The Communist affiliation of Dr. Harry F. Ward is indicative of the Communist sympathies of the members and sponsors of the 'Friends of the Soviet Union.'"

3. Abraham L. Wirin, chief counsel for the Southern California Chapter of the ACLU, sometimes referred to as "Mr. ACLU."

In 1934 A. L. Wirin formed a law partnership with Leo Gallagher and Grover Johnson (reference: Daily Peoples World, Mar. 5, 1934, official publication of the Communist Party on the west coast). Mr. Leo Gallagher ran for State office on the Communist Party ticket in 1936 and Grover Johnson, when asked by a governmental investigating agency if he had ever been a member of the Communist Party, refused to answer the question on the grounds that he might incriminate himself.

In 1954, A. L. Wirin was a candidate for the executive board of National Lawyers' Guild (reference: Los Angeles Daily Journal, Jan. 13, 1954). The National Lawyers

Guild has been cited as a Communist front organization by the House Committee on Un-American Activities (HCUA) September 21, 1950. (Four years before, Mr. Wirin was a candidate for the executive board.)

4. Dr. Albert Eason Monroe, executive director of the Southern California Chapter of the ACLU:

In 1952, Dr. Albert Eason Monroe, U.S. Navy serial No. 316900, was discharged from the U.S. Naval Reserve under conditions other than honorable.

In 1950, Dr. Monroe was fired from his position as head of the English department of San Francisco State College for refusing to sign a loyalty oath. (The purpose of loyalty oaths is to protect the unsuspecting individual from lending his name to a Communist cause and from becoming a Communist dupe. The requirements of loyalty oaths have multiplied the obstacles to the Communists in recruiting memberships for their front organizations and maintaining discipline over fellow travelers in Government service. Few people will swear to an oath knowing it to be false and knowing that they might be liable to indictment and imprisonment for perjury. This requirement places a most difficult hurdle in front of the Communists attempting to ensnare an unsuspecting recruit into their conspiracy.)

In 1953, Dr. Albert Eason Monroe was listed as being chairman of the Federation for Repeal of the Levering Act (i.e., loyalty oaths), which was cited as being a Communist front organization by the California State Senate Committee on Education in its 1952 report to the State legislature.

5. Rev. A. A. Heist, executive director of the Southern California Chapter of the ACLU in 1952, and Dr. Monroe's predecessor. Rev. A. A. Heist was a signer of the statement to the President of the United States, defending the Communist Party (reference: Daily Worker Mar. 5, 1941). In 1952, the Reverend Heist resigned his position in the ACLU to become director of a new organization which he founded, called the Citizens' Committee To Preserve American Freedoms (CCPAF). This organization is run by its executive secretary, Mr. Frank Wilkinson, an identified Communist. At a meeting of the district council of the southern California district of the Communist Party, United States of America, Dorothy Healey, well-known Communist and chairman of the district council, said, "The party preferred public protest meetings against the HCUA to be held by the Citizens' Committee To Preserve American Freedoms rather than under party auspices because Communists could attend without danger of being exposed as party members." (Reference: HCUA, H. Rept. 259, Apr. 3, 1959, "Report on the Southern California District of the Communist Party"). The Citizens' Committee To Preserve American Freedoms was cited as being a Communist front organization by the HCUA on April 3, 1959.

The Reverend Heist stated in a speech to an audience of high school and junior col-

615305-81487

61-190-955

ENCLOSURE

lege students in Pasadena that "the Constitution of the United States is outmoded, outdated, and impotent." (One of the stated goals of the ACLU is to preserve the Constitution.)

In 1948, the Reverend Heist protested the withdrawal of the use of their hall by Occidental College to an identified Communist poet, Langston Hughes, who was to speak on a poem of his entitled, "Goodbye, Christ," which called for "Christ, Jesus, Lord God Jehovah" to "beat it" and "make way for a new guy named Marx, Communist Lenin, Peasant Stalin, and worker me." (Reference: Hollywood Citizen News, February 26, 1948.) This would not be a strange protest from an atheistic Communist, but when it comes from a Methodist minister?

6. Carey McWilliams, a member of the national committee of the ACLU in 1948, who now figures prominently in the affairs of the ACLU, has been identified in sworn testimony, according to Government documents, as a member of the Communist Party. Carey McWilliams has a record of over 50 Communist-front affiliations and citations. He is the editor of "Rights," the official publication of the Emergency Civil Liberties Committee which has been cited as a Communist front by the HCUA (November 8, 1957).

7. Prof. William A. Kilpatrick, prominent member of the ACLU on the east coast, was for many years head of Teachers College, Columbia University. In his book, "The Teacher and Society," published in 1939, Professor Kilpatrick said that "the revolution by force and violence was probably necessary in Russia, but it would not be necessary in America. Here, the same goals could be achieved by effectuating change within the framework of the Constitution."

8. William Z. Foster, former head of the Communist Party, United States of America, was a former member of the National Committee of the ACLU.

9. Elizabeth Gurley Flynn, former member of the National Committee of the ACLU until 1940, is a member of the Central Committee of the Communist Party, United States of America.

In the report on "Communist Propaganda in America" (published 1935, A.F.L.) as submitted to the State Department, U.S. Government, by William Green, the late president of the American Federation of Labor, Mr. Green states that:

"During all the years since the establishment of the Soviet regime in Russia, propaganda in the United States has been conducted, not only through agencies directly set up by the Communist high command, but through agencies and organizations in which non-Communists of good standing and repute have been induced to participate. A careful study of these organizations show that they are so related through interlocking directorates that apparently some hundreds of organizations are dominated by an interlocking group of directors numbering not more than 60. Their tactics may perhaps be called the tactics of irritation, since their purpose is to create dissatisfaction as widely as possible and to bring into disrepute the authorities, and the established institutions of the country. As an example, the American Civil Liberties Union may be cited."

To support Mr. Green's statement of "the interlocking directorates," we discovered that when we looked at the record of the top 15 past and current leaders of the ACLU, we found that they had a combined record of over 1000 Communist front affiliations and citations.

#### SECTION II

##### What others think of the ACLU

1. Daily Worker, March 22, 1957. In reference to an ACLU meeting. (New York chap-

ter, featuring John Gates, editor of the Daily Worker, "It remains an axiom of our time, that to defend the rights of Communists is to defend the rights of all Americans." (We as a nation are forced to spend \$50 billion a year to defend ourselves from the Communists.)

2. California Senate Fact Finding Committee on Un-American Activities, 1948 report, page 107: "The ACLU may be definitely classified as a Communist front or transmission belt organization." "At least 90 percent of its efforts are on behalf of Communists who come in conflict with the law."

3. House Committee To Investigate Communist Activities in the United States, report 2290 entitled, "Investigation of Communist Propaganda": "It is quite apparent that the main function of the ACLU is to protect the Communists in their advocacy of force and violence to overthrow the U.S. Government."

4. Commonwealth of Massachusetts, special commission to investigate Communist activities: "The ACLU, with its front of respectability and with its large membership of sincere, worthy citizens, has provided important legal talent and a camouflage of decency behind which Communist forces have agitated and promoted their campaigns."

#### SECTION III

##### Odd coincidences

1. The ACLU, long an advocate of unlimited freedom of the press and freedom of speech, asked Secretary of Defense Charles Wilson to withdraw a pamphlet entitled "How To Spot a Communist," prepared by the 1st Army and used by the Watertown, Mass., arsenal (New York Times, June 12, 1955).

2. The ACLU protested the publishing by the League of Decency of a list of movies and books that the league considered to be immoral. (Reference: Daily Worker, Mar. 22, 1957). (It has long been known that one of the primary aims of the Communist Party is to subvert the morals of the American public.)

3. The ACLU, when queried by Columnist Lawrence Fertig as to why "They did not defend the most basic of all civil liberties—the right of a man to earn his living without paying tribute to any other individual or private organization" (right to work laws in various States), replied, "There are no civil liberties grounds on which such statutes should be supported," (reference: Fortnights magazine, July 1955).

4. The ACLU has voiced the opinion many times that "they welcome investigation," but they unleash their vitriolic abuse upon the American Legion and brand the American Legion as a fascist group because they not only investigated the ACLU, but have requested the HCUA every year since 1953 to investigate the ACLU.

5. The ACLU has been the recipient of numerous grants from the Garland Foundation (American Fund for Public Service) which is the notorious bankroll for Communist front organizations. The Garland Fund is characterized by the California Senate Fact Finding Commission, 1948 report, page 247, as "the source of revenue for Communist causes is generally referred to as the Garland Fund."

The Garland Fund has also been cited by the United States House Special Committee on Un-American Activities as follows: "The Garland Fund was a major source for the financing of Communist Party enterprises," (reference: H. Rept. 1311, Mar. 9, 1944).

Among those who have served as directors of the Garland Fund and who were directly responsible for the disbursement of funds to the different Communist front organizations and who were or are now prominent members of the governing body of the ACLU

are: H. Baldwin, Harry F. Ward, William Z. Foster, Robert Morris Lovett, Morris L. Ernst, Elizabeth Gurley Flynn, Oswald Garrison Villard, and E. M. Borchard.

6. Frank Wilkinson, an identified Communist and chief hatchetman for the Emergency Civil Liberties Committee and the Citizens Committee to Preserve American Freedoms in their "Operation Abolition" program, who, so far as we know, is not even a member of the ACLU, seems to be so prominent in the affairs of the ACLU. Also, an odd coincidence that a new organization that has been formed and which calls itself the National Committee to Abolish the House Un-American Activities Committee (NCAHUAC) and has eight key members in the organization that have been identified as members of the Communist Party gives its mailing address at 617 North Larchmont Boulevard, Los Angeles 4, Calif., which is also the mailing address of the Citizens' Committee to Preserve American Freedoms (CCPAF) and that of the 12 national committee members of the NCAHUAC, eight are currently officers or executive committee members of the Emergency Civil Liberties Committee (interlocking directorates?).

If any ACLU spokesman charges this report is biased, our answer is that it is biased only on the side of Americanism—that it is only fault for those who don't like it is its bias in favor of truth and fact. In our months of investigation we were unable to find one occasion where the ACLU committed a patriotic act; we were unable to find one occasion where the ACLU has something good to say about America. We were able, however, to find many occasions where the ACLU and its leaders had something good to say about Soviet Russia or did something that would benefit Soviet Russia.

In our opinion, the ACLU and its brother organizations have mastered the technique of Josef Goebbels and practiced by the Moscow Communists to the nth degree. "Tell a lie, make it big, and tell it often enough so that soon everyone will believe it." They have been spouting forth the statement that "the rights of all Americans are being threatened" so long and so hard that already everyone is looking for the Gestapo FBI, the Fascist police, the minions of that inquisition, the HCUA, behind every bush and every telephone.

Deep down in the hearts of all good Americans we know that this is a lie and if we stop and think of its source, then we can look at it in its true light.

Nicolai Lenin said, "We must build communism with non-Communist hands." Please don't let it be your hands.

##### A Soviet dialectician's definition of a Communist front

George Dimitrov, "Advice to the Lenin School of Political Warfare," as quoted in the report of the American Bar Association Committee on Communist Tactics, Strategy and Objectives—CONGRESSIONAL RECORD, August 22, 1958, page 17719. "As Soviet power grows, there will be greater aversion to Communist Parties everywhere. So we must practice the techniques of withdrawal. Never appear in the foreground; let our friends do the work. We must always remember that one sympathizer is generally worth more than a dozen militant Communists. A university professor, who, without being a party member, lends himself to the interests of the Soviet Union, is worth more than a hundred men with party cards. A writer of reputation or a retired general are worth more than 500 poor devils who don't know any better than to get themselves beaten up by the police. Every man has his value, his merit."

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI

DATE: 2/14/62

ATTENTION: CORRESPONDENCE AND TOURS

FROM : SAC, SEATTLE (100-571)

AMERICAN CIVIL LIBERTIES UNION

SUBJECT: RICHARD W. DINGLE  
INFORMATION CONCERNING

RICHARD WILLIAM DINGLE

ReBulet to Seattle dated 2/7/62. 408 HIGH ST., PULLMAN, WASH.

On 2/13/62, [redacted]

b6  
b7C

[redacted] President's Office, Washington State University (Source of Information), advised RICHARD W. DINGLE, born 1/5/18 at Bismark, North Dakota, had been employed as Associate Professor of Forestry and Range Management from September, 1953 to the present. His education is as follows: -

1941 - Bachelor of Science, University of Minnesota  
1947 - M.S. from Yale University, School of Forestry  
1953 - Phd from Yale University.

CONN.  
MO.

No arrest record was located identifiable with Mr. DINGLE in the files of the Pullman, Washington Police Department or Whitman County Sheriff's Office, Colfax, Washington, both checked on 2/13/62.

The files of the Pullman, Washington Credit Bureau reviewed on 2/13/62, by [redacted] revealed RICHARD WILLIAM DINGLE and [redacted] were known since August, 1953 and last checked in July, 1956. Their residence was given as 408 High Street, Pullman, as of both dates and currently listed. A previous address was given as 69 East Drive, Columbia, Missouri. WASH.

The record revealed DINGLE came to Pullman from Columbia, Missouri in August, 1953. Their credit was listed as prompt and satisfactory; the file contained no unfavorable information.

The files of the Seattle Office contain no information identifiable with DINGLE.

3 - Bureau  
1 - Seattle

MRA/map  
(4)

REC-70

61-190-956  
FEB 16 1962

EX 101

CORRESPONDENCE

50 FEB 21 1962

1 - Mr. Smith

February 15, 1962

REC-41

61-190-957

Mrs. [REDACTED]

Terrell, Texas

b6  
b7c

Dear Mrs. [REDACTED]

Your letter dated February 6, 1962, has been received and your kind comments are indeed appreciated. I hope that the efforts of the FBI will continue to merit your approval.

While I would like to be of assistance to you the jurisdiction and responsibilities of the FBI do not extend to furnishing evaluations concerning the character or integrity of any individual, organization or publication. Furthermore, a regulation of the Department of Justice prohibits the disclosure of information in our files to other than appropriate agencies in the executive branch of the Federal Government. You should not infer that our files do or do not contain the information you desire.

Inasmuch as the individual corresponding with you referred to comments of a staff member of the House Committee on Un-American Activities, you may desire to communicate with the Committee. The address is Committee on Un-American Activities, United States House of Representatives, Washington 25, D. C. I am enclosing some material concerning the menace of communism which I hope will be of assistance to you.

Sincerely yours,

J. Edgar Hoover

J. Edgar Hoover  
Director

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

Enclosures 4

WLS:cdb (3)

SEE NOTE ON YELLOW PAGE TWO

17  
FEB 22 1962

MAIL ROOM ☐ TELETYPE UNIT ☐

REC'D-READING ROOM  
FEB 15 4 54 PM '62

FEB 17 4 11 PM '62

FEB 12 2 13 PM '62  
FEB 12 2 13 PM '62  
FEB 12 2 13 PM '62

b6  
b7C

Mrs. [REDACTED]

NOTE ON YELLOW:

Bureau files contain no information identifiable with the correspondent or John Chancellor or [REDACTED] referred to by correspondent.

The following material was furnished to correspondent:

- (1) "The Faith to be Free"
- (2) "The Communist Party Line"
- (3) Statement by J. Edgar Hoover concerning Internal Security, dated April 17, 1961
- (4) "Time of Testing"

TRUE COPY

Feb. 6-/62

Hon. Edgar J. Hoover  
Federal Bureau of  
Investigation  
Washington  
D. C.

re- American  
Civil Liberties  
Union

Dear Mr. Hoover:-

I have a letter dated January 29-1962- from  
[redacted]  
National Broadcasting Company - RCA. Bldg - Radio City-  
New York - 20 - NY --

This is a reply to a letter of mine, protesting  
a telcast of January 20 - 62 - by John Chancellor, defaming  
the film, "Operation Abolition," and extolling the  
American Civil Liberties Union.

He denies that the American Civil Liberties  
Union has ever been adjudged subversive, saying quote  
"a member of the staff of the of the House Committee  
on Un-American Activities has advised a N B C News  
reporter that no federal agency ever has made such a  
charge." \_\_\_\_\_

b6  
b7c

I should deeply appreciate your telling me  
the facts.- Many people want authentic information as to  
what is Communistic - and what is not! --

Thank you in advance - and may I take this  
opportunity of telling you how the people regard and were  
reverence and trust the F.B.I. and we feel its is our  
greatest weapon against Communism - May God bless each &  
every one of your organization which does so much for our  
country!

Sincerely,

/s/ [redacted]

TRUE COPY

Feb 6 - /62

b6  
b7C

Mr. J. Edgar Hoover  
Federal Bureau of  
Investigation

American  
Civil Liberties  
Union

Washington

S. C.

EXP-PROC.

FEB 9 1962

Dear Mr. Hoover: - American Civil Liberties  
I have a letter dated January

29-1962 - from

National

Broadcasting Company - RCA. Reg -  
Radio City - New York - N.Y.

This is a reply to a letter of mine,  
protesting a tel cast of January 20-62 -  
by John Chancellor, defaming the  
film, "Operation Abolition", and attacking  
the American Civil Liberties Union.

He denies that the American

acknowledged

2-16-62

W. J. R. R.

INT. SEC.

Civil Liberties Union has ever been  
adjudged subversive, saying quote  
" a member of the staff of the of the  
House Committee on Un-American  
Activities has advised a NBC news  
reporter that no federal agency ever  
has made such a charge. —

I should deeply appreciate your  
telling me the facts. — Many people  
want authentic information as to  
what is Communist — and what  
is not! —

Thank you in advance — and  
may I take this opportunity of telling you  
how the people regard and revere  
and trust the F.B.I. — and we feel it  
is our greatest weapon against Communism —  
May God bless each & every one of your  
organization which does so much for  
our Country! Sincerely

b6  
b7c



61-190-958

REC-113

January 30, 1962

Mrs. [REDACTED]

Belle Fourche, South Dakota

b6  
b7C

Dear Mrs. [REDACTED]

Your letter dated January 21, 1962, has been received, and I appreciate the interest prompting you to write.

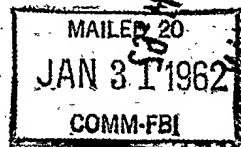
The FBI, as an investigative agency of the Federal Government, does not make evaluations nor draw conclusions as to the character or integrity of any organization, publication, film or individual. In view of this policy, I want to assure you that I have made no statement indicating either approval or disapproval of the organization mentioned in your communication. This also precludes me from commenting on the film you mentioned although you should not infer that this Bureau does or does not have data pertaining to the subjects of your inquiry.

Enclosed is some literature on the general topic of communism which may be of interest to you.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director



Enclosures (4) Next page.

2 - Minneapolis - Enclosures (6)  
Attention SAC: See next page.

NOTE: Next page.

JH:ncr (7)

Follow-up for 2-9-62

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

MAIL ROOM ☐

TELETYPE UNIT ☐

REC'D MAIL ROOM

Killed after  
T/T 2/9/62 DH/ed

Attention SAC: Correspondent wrote me in March, 1961, requesting information concerning an organization and was advised of the Bureau's policy in this regard. Bufiles indicate that [redacted] also has written to me requesting information concerning organizations which were cited as communist fronts. He also was advised of the Bureau's policy and furnished a copy of the list of organizations designated by the Department of Justice under Executive Order 10450. Unless information in your files precludes such action, [redacted] should be contacted and advised of the Bureau's policy and the fact that the Bureau neither approves nor disapproves of the activities of this organization. Results should be furnished to reach the Bureau Attention: Research (Correspondence and Tours) no later than 2-9-62.

b6  
b7c

Enclosures

Communist Illusion and Democratic Reality  
4-17-61 Internal Security statement  
What You Can Do To Fight Communism  
The Communist Party Line

NOTE: Correspondent was sent literature with the answer to her last communication in March, 1961. That which is being sent with this letter is not repetitious. Bufiles indicate we have had cordial correspondence with Mr. Patrick Murphy Malin, Executive Director of the American Civil Liberties Union, but nothing was located to indicate that the Director had made any statement praising this organization for defending the freedoms of American citizens. Over the years, this organization has made some derogatory statements concerning the FBI although on other occasions they have praised the FBI's work and policies. The American Civil Liberties Union with headquarters in New York City has not been investigated by the Bureau. The Los Angeles Chapter has circulated a petition calling for the abolition of the House Committee on Un-American Activities and the Seattle Chapter has recommended an investigation of the FBI. SAC Letter 58-52 instructed the field to advise the Bureau of any action taken by the ACLU to investigate the Bureau. (61-190-834)

Mr. Tolson ☒  
 Mr. Belmont ☒  
 Mr. Mohr ☒  
 Mr. Callahan ☒  
 Mr. Conrad ☒  
 Mr. DeLoach ☒  
 Mr. Evans ☒  
 Mr. Malone ☒  
 Mr. Rosen ☒  
 Mr. Sullivan ☒  
 Mr. Tavel ☒  
 Mr. Trotter ☒  
 Tele. Room ☒  
 Mr. Ingram ☒  
 Miss Gandy ☒

Belle Fourche, S. Dak.  
 Jan. 21, 1962

J. Edgar Hoover  
 Federal Bureau of Investigation  
 Washington, D.C.

Dear Mr. Hoover;

Please find enclosed two (2) clippings from the  
 Rapid City Daily Journal.

I was under the understanding that you did not speak  
 out publicly pro or con for any organization. Therefore  
 after reading this statement by [redacted] regarding your  
 appraisal of the "American Civil Liberties Union", I de-  
 cided to write to you. If this statement is true, then  
 their film "Operation Correction" must be a true and doc-  
 umented report. And I would feel obligated to support its  
 use in our area. I have always felt that you supported the  
 film "Operation Abolition" and would appreciate your views  
 on this new film "Operation Correction".

In view of the Guide to Subversive Organizations and  
 Publications prepared by the H.U.A.C. I have been very  
 suspicious of any organization using civil rights or  
 civil liberties in its organizational title.

If this film is not true, I feel that, [redacted]  
 statement is a direct violation of your honorable name; to  
 support the aims and purposes of a subversive organization.

[redacted]

...rche, S. Dak.

Domestic Intelligence Division advises we have  
 been previously aware the film mentioned in the  
 attached news item is part of the American Civil  
 Liberties Union's program to attack the House  
 Committee on Un-American Activities film  
 "Operation Abolition." We do not investigate the  
 activities of the American Civil Liberties Union.

EXP-113  
 JAN 25 1962

b6  
 b7C

2 ENCLOSURE  
 1-30-62  
 2 perox  
 1-29-62

REC-113

61-190-958

5 JAN 25 1962

CONFIDENTIAL

Jan. 21/62

## Civil Rights Group Obtains New Movie

"Operation Correction," a film using the same newsreel footage as "Operation Abolition," will be brought to Rapid City by the Black Hills Civil Rights Committee. This version of the "Abolition" story was prepared by the American Civil Liberties Union, a nationwide organization that has been praised by J. Edgar Hoover for defending the freedoms of American citizens, according to Dr. Ben Munson, chairman.

At a meeting Friday night, the Black Hills Civil Rights Committee decided on a showing of this film as soon as it can be obtained. Persons or groups interested in showing the film should contact Mrs. Ross Smith at FI 2-0441. "This new version will allow people to see for themselves how the same set of facts can be presented in two quite different ways," Mrs. Smith said.

The committee heard that Leonard Carter, a Negro who is regional director of the National Association for the Protection of Colored People, can come to Rapid City on Feb. 23 during Brotherhood Week. Arrangements will be made for an evening meeting at which he will speak. Several other speaking engagements will be set for him during the day. Evelyn Merritt is chairman of the Carter project.

Educational materials in the field of intergroup relations were presented by Mrs. Paul Rosenblatt. "Commencement," a film by the federal government on the new policy of equal employment opportunities for all races on government contracts, will be in Rapid City from Feb. 1 to 10. The film is available for showings during that period.

The committee will seek names of colored airmen who would be willing to tell about discrimination they have experienced in South Dakota to the Legislative Research Council.

Nominations for new officers were: For chairman, Stuart Steele; for vice chairman, Mrs. Theron Zimmerman; for secretary-treasurer, Mrs. Ross Smith.

Dick Ruddell, the Rev. Gerald Hill, Dr. George Pendo, John Shackelford and Hugh Bailey were nominated for one year terms on the executive board. Miss Merritt, Munson, Mrs. S. W. Croes and Homer Kandaras were nominated for two-year terms. Voting will take place at the February meeting.

ENCLOSURE  
61-190-

958

## Letters to the Editor

### DISCRIMINATION DATA

The Legislative Research Council's executive board will soon be doing a little investigating of instances of racial discrimination in South Dakota, with a view to determining whether a full scale investigation of the practice should be made, — and whether a law is needed banning discrimination.

Racial minority groups from other states are enthusiastic about how much improvement in the situation a good anti-discrimination law tends to make.

Many of us (particularly the non-white citizens) are painfully aware that there is great need for a law in South Dakota that prohibits discrimination. Our Legislature, however, is made up almost entirely of white men, and these men would like to have it demonstrated clearly that South Dakota needs such a law. That is the reason for the investigation by the Legislative Research Council.

Unless specific cases of discrimination can be presented to the council, there is little chance that it will recommend a bill making discrimination illegal at the next legislative session.

We need, therefore, people who are sensitive to the existence and the shame of this practice, who will bestir themselves to mail in the stories of all the racial incidents they can remember, where white South Dakotans demonstrated a hostile or unfair attitude or policy toward non-whites. The instances should be specific and verifiable, — not based on hearsay.

What is greatly needed is for people to contact directly the non-white citizens or visitors and interview them, getting these specific stories of our state's racial discrimination, and giving, where possible, the time, the place, and the names of the people involved. They should then send us this information at the address given below, and we will forward it to the Legislative Research Council at Pierre. Of course, information may be mailed directly to the Legislative Research Council, also.

Naturally we are handicapped by

the fact that so many of the incidents occur to transients, tourists, and others who for many reasons don't get their story reported. A lot of these people don't know about the existence of a civil rights group. I find that about four out of every five Negroes interviewed can report at least one incident where the discrimination thing hereabouts has given them shame and frustration.

Personnel in the military service should not hesitate about volunteering to give this kind of information. I have checked with the commanding officials at Ellsworth Airforce Base and obtained full clearance for any and all Airmen or their relatives who wish to aid the State of South Dakota in gathering this data. Airbase people are to give their information as individuals (not as members of the Armed Forces) — but Ellsworth Base's commanding officials state they have no objection to their personnel's cooperating in this way with our state government.

Victims of discrimination — here is the chance to tell your story where it should count. White friends, this is our chance to do a good thing for our country and our church. Please help gather this data!

H. B. MUNSON, MD  
Vice - chairman  
Black Hills Civil  
Rights Committee

Rapid City

61-190- 958  
ENCLOSURE

REC-46

61-190-959

*Blue Ink*

February 16, 1962

TELEGRAM

DEFERRED

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION  
FEB 16 1962

WESTERN UNION

REC'D-READING ROOM

FEB 16 5 48 PM '62

EX 107

MR. [REDACTED]  
JOHNSON, KANSAS

b6  
b7C

THANK YOU FOR YOUR RECENT LETTER. REGARDING YOUR INQUIRIES, FBI DOES NOT MAKE EVALUATIONS NOR DRAW CONCLUSIONS CONCERNING CHARACTER OR INTEGRITY OF ANY ORGANIZATION, PUBLICATION OR INDIVIDUAL. PLEASE DO NOT INFER WE DO OR DO NOT HAVE DATA YOU REQUESTED. FILMS YOU MENTIONED WERE NOT PREPARED BY FBI; THEREFORE, I CANNOT BE OF ASSISTANCE. PAMPHLET YOU REQUESTED HAS BEEN FORWARDED TOGETHER WITH OTHER MATERIAL I HOPE WILL BE OF ASSISTANCE.

MATERIAL SENT \*

JOHN EDGAR HOOVER, DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION

NOTE: Correspondent is not identifiable in Bufiles. Deferred telegram reply being used since correspondent needs material by 2-19-62. The American Civil Liberties Union and National Council of Churches are nationally known organizations which have not been investigated by Bureau. Circuit Riders is a lay organization of the Methodist Church, and has not been investigated by Bureau. "Christian Social Action Stimulator" is published by the Social Action Department of Congregational Conference of Southern California and the Southwest, Los Angeles, California, has not been investigated by Bureau. Its 1-61 issue deals with film, "Operation Abolition," is critical of House Committee on Un-American Activities and is partly critical of Director's report, "Communist Target--Youth."

Communist Illusion and Democratic Reality  
Christianity Today Series  
The Communist Party Line  
Let's Fight Communism Sanely  
The Deadly Contest

- Tolson
- Belmont
- Mohr
- Callahan
- Conrad
- DeLoach
- Evans
- Malone
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Ingram
- Gandy

BS:jpp  
(3)

INITIALED  
DIRECTOR'S OFFICE

MAIL ROOM

TELETYPE UNIT

FEDERAL BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
COMMUNICATIONS SECTION  
FEB 1 6 1962

WESTERN UNION

W BIA023 NL GOVT PAID

WUX BI WASHINGTON DC 16

b6  
b7c

[REDACTED]  
JOHNSON KANSAS

THANK YOU FOR YOUR RECENT LETTER. REGARDING YOUR INQUIRIES,  
FBI DOES NOT MAKE EVALUATIONS NOR DRAW CONCLUSIONS CONCERNING  
CHARACTER OR INTEGRITY OF ANY ORGANIZATION, PUBLICATION  
OR INDIVIDUAL. PLEASE DO NOT INFER WE DO OR DO NOT HAVE DATA  
YOU REQUESTED. FILMS YOU MENTIONED WERE NOT PREPARED BY  
FBI, THEREFORE, I CANNOT BE OF ASSISTANCE. PAMPHLET YOU  
REQUESTED HAS BEEN FORWARDED TOGETHER WITH OTHER MATERIAL  
I HOPE WILL BE OF ASSISTANCE.

JOHN EDGAR HOOVER, DIRECTOR  
FEDERAL BUREAU OF INVESTIGATION.

Johnson, Kansas  
February 7, 1962

U. S. Department of Justice, FBI  
Washington 25, D. C.

Gentlemen:

I should like to have information concerning the activities of the following organizations, (Particularly I am interested in knowing if they have Communistic leanings):

The American Civil Liberties Union  
National Council of Churches  
Circuit Rider's

// Is the film "Operation Abolition" considered truthful by the FBI Department? Also the film "Communism On the Map"

How is the magazine "Christian Social Action Stimulator" classified-- by that I mean, do you have any information that connects it in any way to Communist "Fronts"?

I am asking for this information in order to prepare a fourth program in a series of four programs on the subject "How should Churches Fight Communism?". This program is to be presented to the Richfield Methodist Men's Club February 19, 1962.

// I should like to have the pamphlet; "Communist Illusion and Democratic Reality" by J. Edgar Hoover.

Thank you for your cooperation,

b6  
b7c

Sincerely,

[Redacted Signature Box]

Johnson, Kansas

61-190-959

25 FEB 19 1962

REC-46

EX 105

*Handwritten:* [Signature]  
INSP. [Signature]

*Handwritten:* Johnson 2/16/62  
BS: jip



Date: Feb. 23, 1962

Thought you  
might be interested  
in this.

b7D



ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1/27/94 BY 9803/RDD/ST

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. DeLoach

DATE: 3-1-62

FROM : M. A. Jones

SUBJECT: NATIONAL CAPITAL AREA  
CIVIL LIBERTIES UNION  
WASHINGTON, D. C.#344231  
ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 1/27/93 BY 9803 RDD/gld

Tolson	✓
Belmont	✓
Mohr	✓
Callahan	✓
Conrad	✓
DeLoach	✓
Evans	✓
Malone	✓
Rosen	✓
Sullivan	✓
Tavel	✓
Trotter	✓
Tele. Room	✓
Ingram	✓
Gandy	✓

A newsletter issued by captioned organization has been received announcing that on 2-5-62, the National Board of the American Civil Liberties Union granted a charter to this group, which had been previously organized on 11-8-61. The following Executive Board had been designated to serve until next May when the first regular election would take place:

Charles A. Horsky (Chairman)--President of the Washington Housing Association.  
Rt. Rev. Angus Dun (Vice Chairman)--Episcopal Bishop of Washington.  
Mrs. Harold L. Fickes  
Edward P. Morgan--radio news commentator.  
James M. Nabrit, Jr.--President of Howard University.  
Joseph L. Rauh, Jr.--past National Chairman of Americans for Democratic Action.

Our files contain considerable information regarding the activities of the above individuals, all of which is well-known and will not be detailed here.

William B. Bryant (Treasurer)

Bryant is a former Assistant United States Attorney who graduated from Howard University Law School in 1936. In 1939 and 1940, he worked under the supervision of Dr. Ralph J. Bunche who recommended him highly. In 1941, a confidential informant advised Bryant was a member of the Washington Committee for Democratic Action, which has been cited by the Attorney General.

James H. Heller (Secretary)

Heller is a Washington attorney who has represented Government employees discharged for security reasons and, in 1956, he represented Saul Wellman, convicted Smith Act subject. In 1961, Heller protested a proposed resolution of the District of Columbia Bar to require all applicants for admission to the Bar to take a noncommunist oath.

John W. Edelman

Edelman has been a representative of the Textile Workers Union of America since 1943. We conducted a Special Inquiry investigation of him during 1953 when he was being considered for appointment as Assistant Secretary of Labor. During

CJH:kmd (5)

MA Jones to DeLoach Memo  
RE: NATIONAL CAPITAL AREA CIVIL LIBERTIES UNION

the 1930s and 1940s, he associated with numerous communist front groups, and reportedly defended communist elements in the Congress of Industrial Organizations (CIO). Associates, neighbors and acquaintances describe him as a loyal American and very much opposed to communism. One source stated that in his early years, it had been possible to get Edelman to place his name on any Communist Party list because Edelman felt that that was the best way to become identified as a liberal and thus promote his own career. The source stated that since that time Edelman had become a bitter enemy of communism.

Robert D. Martin

Martin is described as a Professor of Government at Howard University in the above newsletter, and our files contain no information identifiable with him.

Abe Fortas

Fortas is a Washington attorney who has held numerous Government positions, at one time serving as Under Secretary of Interior. We conducted an Internal Security-Hatch Act investigation on him in 1941 in which information was developed indicating his connection with several communist front groups. When interviewed by the Bureau, he denied any subversive activities and stated he had not been a member of these front groups as alleged. He did admit membership in the National Lawyers Guild, but he stated he did not regard this organization as communistically inclined. The Secretary of Interior advised on 9-26-42 that inasmuch as our reports disclosed no subversive activities by Fortas, his case was being closed without further action.

b6  
b7C

Our files reflect that an individual of the above name, who was employed as a Professor of Law at Georgetown University, participated in a local television program on 8-24-58 at which time he expressed his approval of the Supreme Court decision in the Mallory Case. He said he did not want to rely on the integrity of the chief of the FBI to insure that the rights of individuals were protected. He said that there was a "fine man" in that position but we had no way of knowing who would be in charge of the FBI in 15 years. He said he favored rule by laws, not men.

Reverend Rudolph W. Nemsor

He is pastor of the Fairfax Unitarian Church and, in February, 1961, was one of 12 local ministers who signed a resolution recommending discontinuance of the House Committee on Un-American Activities. Also, in 1961, he was reported to be on the mailing list of the Washington Area Committee for the Abolition of the House Un-American Activities Committee.

MA Jones to DeLoach Memo  
RE: NATIONAL CAPITAL AREA CIVIL LIBERTIES UNION

Mrs. Henry F. Pringle D.C.

Mrs. Pringle is currently employed by the State Department. In 1942, we conducted a Special Inquiry investigation regarding her in connection with her employment in the Office for Emergency Management which reflected that she had been affiliated with several communist front groups. In connection with these allegations, Mrs. Pringle, on 1-29-42, executed an affidavit in which she stated that she had either not belonged to these organizations, or that she was unaware that they were attempting to promote the communist cause. She said she was not sympathetic to communism in any way and had never taken part in any meetings which were dominated by communists.

David H. Scull Va D.C.

Scull is described as a member of the executive committee of the Virginia Council on Human Relations. He was the subject of a Loyalty investigation in 1948 in connection with his employment as a Management Analyst, Department of State, which reflected that during the 1940s he was active in the affairs of several communist front groups. Upon questioning by State Department officials, he denied membership in the Communist Party, describing himself as a Quaker and not believing in any form of violence. The State Department made a favorable determination in regard to his case. He subsequently resigned his Government employment to operate a printing firm in Annandale, Virginia.

Mrs. [REDACTED] D.C.

b6  
b7C

Bufiles contain no information concerning this individual who is described in the above newsletter as a writer.

Gerhard P. Van Arkel

Van Arkel is described as <sup>a</sup>lawyer and past chairman of the Washington Home Rule Committee. He has expressed his opinion that possibly Morton Sobell was wrongly convicted, has publicly criticized Bureau investigations and reporting procedures, and has opposed the Government's loyalty program. Allegedly, he was affiliated with the National Lawyers Guild in the past. During 1954, the Criminal Division of the Department requested a conflict of interest investigation based on the fact that he had continued private law practice while serving as a professional staff assistant on the Senate District Committee. Following a review of Bureau reports, the Department advised that prosecution of Van Arkel was not warranted.

RECOMMENDATION:

None. For information.

gpc

✓  
JAN 31 1954

## PROGRESS REPORT

Since the organizational meeting November 8, 1961, the Washington-area affiliate of the ACLU has acquired a name and a newsletter. It will soon have an office to carry out the main business for which the affiliate was formed. Supplementing the heroic efforts of Lawrence Speiser, long-time ACLU Washington office director, NCACLU will join the vigil over the civil liberties of residents of the national capital community. The job has already begun.

The temporary by-laws presented at the November 8 meeting were further refined and approved by the Executive Board and sent to the New York office. They have been approved by the National Committee with only minor changes. Various NCACLU committees have met since November 8 to take initial steps for raising funds, recruiting members, issuing this bulletin, and staffing the affiliate's office, which will adjoin the National office. (See want ads elsewhere in this issue.)

Funds are needed immediately to finance the planned activities. William B. Bryant, Treasurer, (3725 17th Street, N. E.) reports that the affiliate banked \$551.70 on December 4, and has since spent \$120, primarily for postage used in the membership drive now underway. (These figures do not include the cost of this bulletin, which is undetermined as this is being written.) At a meeting of the Newsletter Subcommittee January 24, Board Member James Heller announced that the Maryland Civil Liberties Union had indicated they would donate \$250 to help their neighbor branch off to a good start. There have been no other donations since December.

## NCACLU In Action

Although some of the committees have not met since the organizational meeting (they will be called as the branch picks up momentum), NCACLU has not been neglecting its main job. When Rev. David Andrews, of Boone, N. C., was arrested recently for "disorderly conduct" after kneeling to pray in front of the White House (in a move to support actions to free Morton Sobell, convicted in the Rosenberg "spy" case), he was defended on behalf of the ACLU and NCACLU by attorney Clement T. Cooper. Rev. Andrews was acquitted of the charge.

Later, he was arrested twice more, the second time because he violated a Metropolitan Police Department regulation requiring a permit for giving "any speech, sermon, or address" on public space. When arrested, Rev. Andrews was reading from Micah in the Old Testament: "They shall beat their swords into plowshares..." He was convicted and served about two hours in jail before the judge changed the penalty to a \$5 fine which, in effect, was suspended because the minister already had served a penalty by the time spent in jail. After the third arrest, the charge was not pressed.

Both the Washington National Office and NCACLU also have received requests for assistance from members of the Black Muslims, who have claimed mistreatment at the hands of officials in D. C. penal institutions. The Black Muslims have been described in the press as "a militant anti-white group" and "a Negro supremacy group."

NCACLU has asked two D. C. attorneys, Gordon D. Henderson and Mark K. Weiss, to study the situation here on behalf of the branch. The letter requesting the study stated, "Rather than take any action in response to these individual requests, it is our belief that some general investigation of the problems surrounding incarcerated Black

(continued on page 3)

7/10/80 9803/8000/9/6

The Newsletter of  
NATIONAL CAPITAL AREA CIVIL LIBERTIES UNION

INTRODUCING THE NATIONAL CAPITAL AREA CIVIL LIBERTIES UNION

On February 5, 1962, the National Board of the American Civil Liberties Union granted a charter for a new affiliate, to be known as The National Capital Area Civil Liberties Union. The operational area of the NCACLU includes, in addition to the District of Columbia: Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties in Virginia, and the Virginia cities of Alexandria and Falls Church.

The new ACLU affiliate was organized on November 8, 1961, at a meeting attended by over 250 of the 1500 area members. An initial Executive Board was elected to serve until next May, when permanent by-laws will be approved and the first regular election held. The first Board consists of the following members, of whom the first six constitute an executive committee:

- ✓ Charles A. Horsky, lawyer, president of the Washington Housing Association -- Chairman
- ✓ Rt. Rev. Angus Dun, Episcopal Bishop of Washington -- Vice-Chairman
- William B. Bryant, lawyer -- Treasurer
- James H. Heller, lawyer -- Secretary
- John W. Edelman, Washington representative of the Textile Workers Union of America
- Robert D. Martin, Professor of Government at Howard University
- Abe Fortas, lawyer, former Under Secretary of the Interior
- ( — James E. Hogan, lawyer
- ✓ Mrs. Harold L. Ickes
- ✓ Edward P. Morgan, radio news commentator
- ✓ James M. Nabrit, Jr., President of Howard University
- Rev. Rudolph W. Nemsler, pastor of the Fairfax Unitarian Church
- Mrs. Henry F. Pringle, staff assistant for Women's Activities, Department of State
- ✓ Joseph L. Rauh, Jr., lawyer, past National Chairman of Americans for Democratic Action
- David H. Scull, printer, member of executive committee of the Virginia Council on Human Relations
- Mrs. Alys Spealman, writer
- Gerhard P. Van Arkel, lawyer, past chairman of the Washington Home Rule Committee

The Board's first three meetings were devoted chiefly to drawing up by-laws, which will be published in full in the next newsletter.

PART-TIME EXECUTIVE SECRETARY WANTED

NCACLU will rely heavily on volunteers for much of the routine office and clerical work. But we need an executive secretary on a regular basis to serve as the nucleus of this volunteer force. We are looking for a person who is an ardent supporter of ACLU objectives, is capable of typing a legal brief and of directing volunteers, and is willing and able to work five half-days a week for a moderate salary. For further details, write NCACLU's Secretary, James H. Heller, 1101 Vermont Avenue, N. W., Suite 803, Washington 5, D. C., stating qualifications.

## A TASK THAT NEVER ENDS

Civil liberty is the concern of all of us. Yet, like the weather, hardly anyone does much about it. Only a dedicated people can be the trustees of liberty. And only by being the trustees can they also be the beneficiaries.

For forty-two years, the task of the American Civil Liberties Union and its affiliates has been to do something about the preservation of civil liberty under the Constitution and the Bill of Rights. It has been a task carried on by voluntary effort, and largely by those who, appreciating liberty the most, are quick to defend someone else's claim to it.

Now at last the Nation's capital has its own ACLU affiliate. The new NCACLU will deal with local, as distinct from national, civil liberties matters in Washington and its Maryland and Virginia suburbs. There are many problems to concern us in this community, which should be of all American communities: a stronghold of civil liberties. There are problems of discrimination, censorship, police conduct, church and state--to name only a few.

We welcome all of you in the National Capital Area to our joint effort to preserve, defend, and expand the free exercise of our civil rights. It is a task that never ends.

### NEW ACLU LOCATION

The Washington office of ACLU, under the direction of Lawrence Speiser and Executive Assistant Julie Barrows, has moved to a new location. These facilities will also accommodate the new NCACLU office. All members should note the new address: 1101 Vermont Avenue, N. W., Suite 803, Washington 5, D. C.

### VOLUNTEER NEEDED

The research involved in civil liberties work makes a well-maintained library and files essential. A volunteer is needed to organize and maintain these references, which would require about five hours work each week. Those interested should contact Mr. Lawrence Speiser, 1101 Vermont Avenue, N. W., Suite 803, Washington 5, D. C.

### PROGRESS REPORT (continued)

Muslims, both in penal institutions and in mental hospitals, should be made so that we have an overall estimate of the problem itself." The results of the investigation will determine the need for further direct action in specific cases.

Similar requests for assistance are received regularly via letter, telephone, and personal visits to the National Office. As soon as possible, the branch office will be manned five days a week, with access to a volunteer staff of lawyers to screen these cases. Then NCACLU will take whatever action is required to defend our civil liberties in the National Capital Area.



## NCACLU COMMITTEES AT WORK

The Membership Committee, one of the first continuing working groups in the affiliate, was formed in October by seven volunteers, has since grown to fourteen active members. Spearheaded by Thomas and Cynthia Beadling, the committee quickly launched a membership drive. Committee volunteers made over 200 personal telephone calls. A gracious donation by Mrs. Gilbert A. Harrison subsidized mailings to 3500 prospective members (among them: liberal church groups, lawyers, faculty members, scientists). NCACLU membership, presently numbering 1606, is expected to top 1800 by March.

In addition, the Membership Committee has compiled lists of volunteer workers for the affiliate, including 31 lawyers for the legal panel, 38 office workers, and volunteers for almost every phase of local civil liberties work. Future plans include further specialized recruiting, help in establishing the Public Information and other new committees, and updating and improving area membership records.

The Activities Committee, with Barbara Kemp as chairman, prepared recommendations for organizing the new affiliate's work. Their important report calls for emphasis on committee work to encourage active participation of all NCACLU members, in both legal and non-legal fields. Recommendations propose:

A. A Lawyer's Panel "to handle actual cases in which the civil liberties of a person or group appear to be denied or in jeopardy."

B. Eight standing committees, with provision for ad hoc committees to cover issues which cannot be handled by the standing committees.

1. Freedom of communication (speech, assembly, censorship, wiretapping)
2. Due process (confinement of the mentally ill, police entrapment, police brutality, handling of juvenile delinquents)
3. Church and state (blue laws, religious oaths, etc.)
4. Loyalty and security
5. Metropolitan affairs (planned parenthood, voting matters--including the Hatch Act, etc.)
6. Scholastic policies (academic freedom, school policy as related to extracurricular activities and speakers)
7. Civil rights (discrimination and segregation problems)
8. Public information--to be divided into subcommittees (Speakers Bureau, Newsletter, Community Relations)

The Activities Committee suggests, its report concludes, "that each member be asked which committee or committees he wishes to serve on. Because this is an educational function, we would recommend that the committees meet as often as possible. If there isn't a particular issue which they can study and on which they can make recommendations to the Board, the members can study the philosophy

(continued on page 5)



## NCACLU COMMITTEES AT WORK (continued)

and legal history of the issues so that they will be better informed when actual cases arise. The committees will also be responsible for keeping up to date on legislative matters, so that the Board can decide whether or not it wishes to pursue a specific problem by being heard at public hearings or by sending letters to the committees holding such hearings.

"...By holding regular meetings, the members can...be in a better position to discuss these issues outside of ACLU circles. The standing committees as well as ad hoc committees can keep the membership up to date on local issues in which civil liberties are involved...The Bill of Rights can best be protected by an informed citizenry...."

The Public Information Committee is being organized by Kenneth Douty, with Mrs. Harold Ickes as Executive Board representative. The committee is designed to inform the public of the affiliate's work as well as to provide educational material on civil liberties.

The Public Education Subcommittee, under Dr. Earl Callen, intends to offer the free services of articulate, informed speakers for groups of any size upon request. For additional information or arrangements, call Dr. Callen at OLiver 6-6907.

The Newsletter, edited by Mrs. Henry Pringle and a subcommittee with Edward Wolfe as chairman, will inform the area members of the affiliate's activities and will carry articles pertinent to civil liberties.

The Media Relations Subcommittee, to be led by James Finucane, will deal with public information work involving the press, radio, and television.

## NCACLU'S CHAIRMAN

The Chairman of the National Capital Area Civil Liberties Union, and the moving spirit in its organization, Mr. Charles A. Horsky, is a deceptively mild-mannered attorney with a profound belief in the power of law to better human relations.

In his book, The Washington Lawyer, Mr. Horsky noted that "the business of the lawyer is human conflicts, actual or threatened." The NCACLU's role naturally includes such conflicts, as well as the less dramatic job of educating and informing the community about civil rights.

Mr. Horsky is well qualified for both sides of this dual task. His most spectacular service in the field of legal conflict came after World War II, when he was assistant prosecutor at the war crimes trials at Nuremburg. He is also an author and teacher of no small experience, currently a lecturer at the University of Virginia Law School.

Education is perhaps the most important function of the local affiliate as Mr. Horsky sees it. By informing the community--and its government--about the principles which keep men free, NCACLU can promote and protect the values of an open society.

(continued on page 6)

# NCACLU'S CHAIRMAN (continued)

Obviously, Mr. Horsky does not believe that lawyers should retreat to legal ivory towers. His conviction that law is inherent in everyday human relations underlies his own vigorous civic activity as president of the Washington Housing Association and as a member of the D. C. Commissioners' Committee on Police Arrests for Investigation. He is also very much a practicing lawyer, with the well-known Washington firm of Covington and Burling.

## CIVIL LIBERTIES ON TV

You won't find it listed in the "top ten," but a current television series should interest National Capital Area civil libertarians. "The Blessings of Liberty" is a series of ten programs being shown at 11:30 A.M. on consecutive Sundays over Channel 7 (WMAL-TV). The first program appeared on Sunday, January 7. Programs will be televised weekly at the same time through Sunday, March 18.

## LEGAL HELP WANTED

NCACLU already has a list of volunteer attorneys, but it wants and needs more. We particularly need lawyers who can:

1. Screen, answer, and refer to other volunteers the requests for legal assistance which we receive;
2. Appear in court or before agencies, especially at the trial stage;
3. Handle problems arising in Maryland and Virginia.

Anyone willing and able to help out in the above or any other legal work, please write to James H. Heller, NCACLU Secretary, 1101 Vermont Avenue, N. W., Suite 803, Washington 5, D. C., giving business and office addresses and telephones and a brief statement of education and relevant background.

## \*\*\*\*\* EQUIPMENT WANTED \*\*\*\*\*

Like any new organization, we need all kinds of supplies and equipment to get started. We would especially like to acquire an addressograph machine to facilitate keeping in touch with our members. Since our funds are limited, it would be helpful if some business concern could donate one, or sell us one in serviceable condition at a low price. Get in touch with Edward Wolfe, Newsletter Subcommittee chairman, EM 2-0785. Donations of money to help buy equipment are, of course, always welcome.

\* \* \* \* \*

## NAME THE NEWSLETTER CONTEST

The NCACLU newsletter needs a name. Send your suggestions by March 10 to the editor, Mrs. Henry F. Pringle, 2911 O Street, N. W., Washington 7, D. C. PRIZE to the winner: an autographed copy of The Price of Liberty by Alan Barth.

\* \* \* \* \*

UNITED STATES GOVERNMENT

# Memorandum

TO : DIRECTOR, FBI (100-3-106)

FROM : SAC, SALT LAKE CITY (100-9260)

SUBJECT: COMINFIL OF MASS ORGANIZATIONS  
IS - C

DATE: FEB 26 1962

Re Salt Lake City letter 8/29/61.

A review has been made of information available to the Salt Lake City Office and informants have been contacted in order to identify mass organizations which are targets of the Communist Party (CP) in this area.

## I. DATA CONCERNING COMMUNIST PARTY PROGRAM

No specific information has been received from informants during the past six months which names specific targets of the CP in Utah. The Utah Council for Constitutional Liberties (UCCL), which is a Communist front organization in the Salt Lake City, Utah, area, has exhibited an interest in United World Federalists through joint sponsorship of peace broadcasts. The UCCL has also discussed the possible joint sponsorship of a panel discussion with the American Civil Liberties Union (ACLU) in this area. It is known that on a nation-wide basis the National Association for the Advancement of Colored People (NAACP) is a specific target for the infiltration of the CP.

- 16 - Bureau (Enc. 14) (REG. AM)
- 1 - Omaha (100-6345, World Peace Broadcasting Foundation) (Enc. 1) (REG.)
- 9 - Salt Lake City
  - (1 - 100-818, CP, USA)
  - (1 - 100-9508, American Association of University Women)
  - (1 - 100-1465, ACLU)
  - (1 - 100-8960, American GI Forum)
  - (1 - 100-3482, NAACP)
  - (1 - 100-7578, United World Federalists)
  - (1 - 100-9590, Utah League for the Abolition of Capital Punishment)
  - (1 - 100-9552, World Peace Broadcasting Foundation)

ENCLOSURE

WRP:nba  
(26)

MAR 13 1962

61-196  
NOT RECORDED  
145 MAR 7 1962

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 9/3/85 BY SP6 Bju

Comp. # 254,988

ORIGINAL COPY FILED IN 100-3-106

SU 100-9260

II. ORGANIZATIONS CONCERNING WHICH DATA PREVIOUSLY SUBMITTED

No data has been furnished to the Bureau pertaining to organizations under this program since the submission of referenced letter.

III. ORGANIZATIONS CONCERNING WHICH DATA BEING SUBMITTED BY INSTANT LETTER

1. American Association of University Women - Utah Division, Bureau file 100-378777.
2. American Civil Liberties Union - Utah Chapter, Bureau file unknown.
3. American GI Forum - Salt Lake City Branch, Bureau file 62-96541.
4. National Association for the Advancement of Colored People - Salt Lake City Branch, Bureau file 61-3176.
5. United World Federalists - Salt Lake City, Utah, Bureau file unknown.
6. Utah League for the Abolition of Capital Punishment - Salt Lake City, Bureau file unknown.
7. World Peace Broadcasting Foundation - Des Moines, Iowa, Bureau file unknown.

Two copies of information sheets pertaining to each of the above organizations are submitted herewith for the Bureau.

One copy of information sheet pertaining to World Peace Broadcasting Foundation is submitted herewith for Omaha.

AMERICAN CIVIL LIBERTIES UNION  
(ACLU)  
Utah Chapter

a. Name and Address of Organization.

The correct name of this organization is set out above. It is not known to have a permanent address or a regular schedule of meetings. Its meetings are held in the Salt Lake City, Utah, area.

b. Extent of Communist Infiltration.

The Utah Council for Constitutional Liberties which is a Communist front organization in the Salt Lake City area in February, 1962, was planning a panel discussion pertaining to the McCarran and Smith Acts. It planned to seek ACLU co-sponsorship of this panel discussion.

c. Identities of Communist Party Members and Positions Held in Organization.

There are no known Communist Party Members who are also members of the ACLU in Utah.

d. Informant Coverage.

[redacted] is a member of [redacted] of this organization. [redacted] is not a member but does receive some information pertaining to the ACLU. [redacted] is a member of [redacted] the ACLU and has furnished information pertaining to it. Informants in the Utah Council for Constitutional Liberties are in a position to obtain some information pertaining to the ACLU.

b6  
b7C  
b7D

e. Recommendation.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 9/3/85 BY SP6 Bja/Smw  
Comp. # 284,988

61-190-  
ENCLOSURE

On the basis of the above information, it is not considered that active investigation of this organization should be undertaken at this time.

March 6, 1962

REC-35

61-190-961

Mr. [REDACTED]

Pacoima, California

Dear Mr. [REDACTED]

Your letter of February 26, 1962, has been received, and your interest in combating communism is most encouraging.

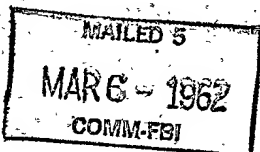
Although I would like to be of service, the FBI being an investigative agency of the Federal Government neither makes evaluations nor draws conclusions as to the character or integrity of any organization, publication or individual. I regret that I am unable to help you and hope you will not infer in this connection either that we do or do not have data in our files relating to the subject of your inquiry.

Enclosed is some literature dealing with the general topic of communism which I hope will be of interest.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director



Enclosures (4)

The Courage of Free Men 2-22-62

Let's Fight Communism Sanely!

Shall It Be Law or Tyranny?

The Communist Party Line

NOTE: Bufiles contain no identifiable information on [REDACTED] "American Civil Liberties Union" is well known to the Bureau.

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Ingram \_\_\_\_\_  
Gandy \_\_\_\_\_

JCF:js (3)

MAIL ROOM ☐

TELETYPE UNIT ☐

MR. H 4 16 PM '62  
REC'D-READING ROOM  
FBI

b6  
b7C

MAR 8 2 00 PM '62  
FBI  
REC'D MAR 8 11 00 AM '62

edm

100-44-10000  
gck



26 February 1962

Mr. Tolson	
Mr. Belmont	
Mr. Mohr	
Mr. Callahan	
Mr. Conrad	
Mr. DeLoach	
Mr. Evans	
Mr. Malone	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Ingram	
Miss Gandy	

Mr. J. Edgar Hoover  
Director, Federal Bureau of Investigation  
Washington, D.C.

Dear Mr. Hoover:

Like many other Americans I have been in search of the best way I as a citizen can help to combat the threat of Communism to freedom. In my search I have heard of the work of the American Civil Liberties Union which, as I understand it, seeks to defend and strengthen our Constitution and Bill of Rights. As you know, this organization has been attacked by some people who claim that it is at worst, a subversive group and at best, an honest organization which has been infiltrated with Communists who have diverted its work toward their own goals.

After some research, I have formed my own opinions about the organization; however, I would greatly value and appreciate your learned opinion. Is the American Civil Liberties Union an effective defender of our freedom or has it, or at least its work, been subverted by people with Communistic leanings?

Thank you for your advice and time.

b6  
b7c

Sincerely,



Pacoima, California

ack  
3-6-62  
Jef/jal

MAR 5 11 20 AM '62

F.B.I.  
RECEIVED-DIRECTOR

REC- 35  
EX-113

61-190-964

10 MAR 1962

CORRESPONDENCE

36 MAR 2 1962

EX-113



REC-70

61-190-962

March 6, 1962

Dr. [redacted]  
Brentwood, Tennessee

Dear Dr. [redacted]

Your letter dated February 27, 1962, has been received.

In response to your request, I would like to point out that the film, "Operation Correction," was prepared by the American Civil Liberties Union, and the FBI took no part in its preparation; nor did we extend any cooperation in connection with its predecessor, "Operation Abolition," which is being sponsored and disseminated by the House Committee on Un-American Activities.

The House Committee did, however, cause to be published a report based on the FBI's investigation of Communist Party activities, statements of eyewitnesses on the scene, and official records of local authorities involved. It outlined the agitational tactics used by communists during the May, 1960, hearings to build the emotional pitch of the demonstrations to an explosive point--the point at which an effort was made to supplant the rule of law with mob action. These facts speak for themselves. Despite confusing and contradictory statements which have been made about the affair, the truth is that a riot occurred and lawful authority was flouted.

In view of the subsequent additional publicity in this matter, a responsible eyewitness to the riot wrote to me and in part summarized:

Letter continued next page

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Gandy \_\_\_\_\_

DCL:js\* (3)

MAIL ROOM

TELETYPE UNIT

Dr.

b6  
b7C

"To sum it all up, there was a fracas on the Hearing Room side of the barricade involving a young man whose identity I do not know, triggering the mob violence immediately preceding the police use of the hoses. There is no question as to this sequence of events."

Enclosed is some literature dealing with the general subject of communism which I hope will be of interest.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

**Enclosures (5)**

The Courage of Free Men 2-22-62

Time of Testing

Shall It Be Law or Tyranny?

4-17-61 Internal Security Statement

The Communist Party Line

NOTE: Correspondent is not identifiable in Bufiles. "Operation Correction" is a film issued by the American Civil Liberties Union as a revised version of HCUA's "Operation Abolition." It is narrated by Northern California ACLU Executive Director Ernest Besig, subject of Bufile 100-232575. Through the years, Besig has represented individuals who have been Communist Party members or who have been active in communist-front groups in connection with his employment with the ACLU. He has been on the "do not contact" list since 12-2-53.

[REDACTED]  
BRENTWOOD, TENNESSEE

[REDACTED]  
NASHVILLE OBSTETRICAL & GYNECOLOGICAL SOCIETY

27 February 1962

Mr. J. Edgar Hoover  
Federal Bureau of Investigation  
Washington, D.C.

Dear Mr. Hoover:

*American*  
My daughter, who is a freshman at Vanderbilt University, Nashville, Tennessee, was shown a film on the campus today which was called "Operation Correction". It was produced by the California Civil Liberties Union, and was to be seen by all the freshman class, although attendance was not mandatory.

I am certain that your department is familiar with this film, and my request is, if possible to obtain data from your office to refute the claims in this slightly "tinged" film.

Sincerely,

RCP/s

[REDACTED]  
The Student Christian Association of Vanderbilt University was the sponsor on the campus.

REC-70 61-190-962

22 MAR. 8 1962

CORRESPONDENCE

my  
ack 3 56626 3/14/62

b6  
b7C

1  
*air mail*



Mr. J. Edgar Hoover  
Federal Bureau of Investigation  
Washington, D.C.

61-190-963

March 7, 1962

REC-108

Mr. [redacted]

Young Men's Christian Association  
Del Mar College

[redacted]

Corpus Christi, Texas

Dear Mr. [redacted]

b6  
b7C

REC'D-READING ROOM  
F B I  
MAR 7 3 30 PM '62

Your letter postmarked March 3, 1962, has been received.

Although I would like to be of service, the FBI is strictly an investigative agency of the Federal Government and, as such, does not make evaluations nor draw conclusions as to the character or integrity of any organization, publication or individual.

REC'D-READING ROOM  
F B I  
MAR 7 4 15 PM '62

In response to your other inquiry, I would like to point out that the film, "Operation Correction," was prepared by the American Civil Liberties Union, and the FBI took no part in its preparation; nor did we extend any cooperation in connection with its predecessor, "Operation Abolition," which is being sponsored and disseminated by the House Committee on Un-American Activities.

The House Committee did; however, cause to be published a report based on the FBI's investigation of Communist Party activities, statements of eyewitnesses on the scene, and official records of local authorities involved. It outlined the agitational tactics used by communists during the May, 1960, hearings to build the emotional pitch of the demonstrations to an explosive point--the point at which an effort was made to supplant the rule of law with mob action. These facts speak for themselves. Despite confusing and contradictory statements

MAILED 5  
MAR 7 - 1962  
COMM-FBI

- Tolson
- Belmont
- Mohr
- Callahan
- Conrad
- DeLoach
- Evans
- Malone
- Rosen
- Sullivan
- Tavel
- Trotter
- Tele. Room
- Holmes
- Gandy

Enclosures (5) See next page

DCL:kw kw

(3)

MAIL ROOM TELETYPE UNIT

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

b6  
b7C

Mr.

which have been made about the affair, the truth is that a riot occurred and lawful authority was flouted.

In view of the subsequent additional publicity in this matter, a responsible eyewitness to the riot wrote to me and in part summarized:

"To sum it all up, there was a fracas on the Hearing Room side of the barricade involving a young man whose identity I do not know, triggering the mob violence immediately preceding the police use of the hoses. There is no question as to this sequence of events."

Enclosed is some literature dealing with the general subject of communism which I hope will be of interest.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

Enclosures (5)

Time of Testing

Shall It Be Law or Tyranny?

One Nation's Response To Communism

Freedom's Foundation Speech-The Courage Of Free Men-2-22-62


The Communist Party Line

NOTE: Correspondent is not identifiable in Bufiles.

DCL:kw

(3)

TRUE COPY

  
Corpus Christi, Texas  
March 6, 1962

FBI  
Washington, D. C.

Dear Sir:

Someone has told me that the American Civil Liberties Union, is a Communism front organization. I would like to know your view of this plus your opinion on ther film "Operation Correction".


b6  
b7c

We will show "Operation Correction" on Del Mar campus March 15. I would like to have you comment by then.

Any help you have to give me will be of help.

Sincerely,

/s/

  
Del Mar College

*am*

*nonel-kw*

*3-7-62  
T.C.-kw  
ack let 3-7-62  
DCH: kw*

61-190-963  
MAR 9 1962

CORRESPONDENCE

[redacted]  
Corpus Christi, Texas  
March 6, 1962  
47  
81

FBI  
Washington, D.C.

Dear Sir:

b6  
b7c

Some one has told me that the American Civil Liberties Union, is a Communism front organization. I would like to know your ~~opinion~~ view of this plus your opinion on the film "Operation Correction".

We will show "Operation Correction" on Del Mar campus march 15. I would like to have you comment by then. Any help you have to give me will be of help.

Sincerely,  
[redacted]

CORRESPONDENCE  
[redacted]

mmel-kw  
3-7-62 T.C.-kw  
acklet  
Dcl 3-7-62  
[redacted]

REC'D - [redacted]  
Del Mar College



MRS. [redacted]

Santa Barbara, California

Mr. J. Edgar Hoover  
F.B.I.  
Washington, D.C.

Dear Mr. Hoover -

I hope some member of the local  
F.B.I. will be able to view the film  
"Operation Correction" described in the enclosed  
clipping.

EX-105

REC-32



2 1962

b6  
b7c

ENCLOSURE

No ack. nec.  
File  
CORRESPONDENCE

53 MAR 15 1962

## SATURDAY AT CHURCH

# New Film on S.F. Event to Be Shown

"Operation Correction," a place on that occasion." documentary film based on The film was the work of the same episodes as the film the Santa Barbara Chapter of "Operation Abolition"; will be the American Civil Liberties Union, she said, and local shown to the public without charge Saturday at 7:45 p.m. members of this organization are included in the group in the Unitarian Church at Santa Barbara and Arrellaga Streets, it was announced today. sponsoring this showing.

A discussion period will follow the showing of the film.

Chairman of the citizens committee sponsoring this event, is Mrs. L. C. Fowler, 2091 Alisos Dr., phone 9-3548. She said that "Operation Correction" utilizes the same photographed scenes of the disorders at the hearing of the House Un-American Activities Committee in San Francisco which "Operation Abolition" used, but they have been "rearranged in proper sequence and spliced, and commentary added, to give a true account of what took

place on that occasion." The film was the work of the Santa Barbara Chapter of the American Civil Liberties Union, she said, and local members of this organization are included in the group sponsoring this showing. "Commentary has been supplied by some of the students who are seen in the picture and who have first-hand knowledge of the protest demonstration," she said; "also the comment is based on court records." She said the Civil Liberties Union is a non-political organization set up to defend civil liberties for everyone, the extreme right as well as the extreme left and the center. "It has never been cited by any government agency as subversive," she added. "From the first it has directly opposed the House Un-American Activities Committee's version of what took place in San Francisco.

Other committee members include Dr. Harry Girvetz, Bradley Currey, Brewster Reynolds, Mr. and Mrs. Marc Myton, Mr. and Mrs. David Merriel, Mrs. John Hamilton, Alex Maler and Mrs. Sally Moyer.

1-190-964  
**ENCLOSURE**

March 14, 1962

61-190-965

b6  
b7C

REC-19

Corvallis, Oregon

Dear Mr. [REDACTED]

Your letter of March 7, 1962, has been received.

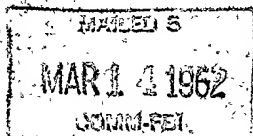
Although I would like to be of service, the FBI being an investigative agency of the Federal Government neither makes evaluations nor draws conclusions as to the character or integrity of any organization, publication or individual. I regret that I am unable to help you and hope you will not infer in this connection either that we do or do not have data in our files relating to the subject of your inquiry.

Enclosed is some literature I hope will be of interest.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director



Enclosures (5)

The Courage of Free Men 2-22-62  
Shall It Be Law or Tyranny?  
Communism and The Knowledge to Combat It.  
"Faith in God--Our Answer To Communism"  
Criss Award Speech 12-7-61  
EFT:js\* (3)

Mr. Tolson\_\_\_\_\_  
Mr. Belmont\_\_\_\_\_  
Mr. Mohr\_\_\_\_\_  
Mr. Callahan\_\_\_\_\_  
Mr. Conrad\_\_\_\_\_  
Mr. DeLoach\_\_\_\_\_  
Mr. Evans\_\_\_\_\_  
Mr. Malone\_\_\_\_\_  
Mr. Rosen\_\_\_\_\_  
Mr. Sullivan\_\_\_\_\_  
Mr. Tavel\_\_\_\_\_  
Mr. Trotter\_\_\_\_\_  
Tele. Room\_\_\_\_\_  
Miss Holmes\_\_\_\_\_  
Miss Gandy\_\_\_\_\_

MAR 19 1962

RECEIVED-DIRECTOR

MAR 14 4 18 PM '62  
REC'D-READING ROOM  
FBI

MAR 14 2 55 PM '62  
REC'D FBI

*[Handwritten signatures and initials]*

*[Handwritten initials]*

*edm*

TRUE COPY

Parsonage Address  
2660 Fillmore St.  
Phone PLaza 3-6177

CALVARY CHURCH  
1525 Kings Road - Phone PLaza 3-4145

Evangelical United Brethren  
Corvallis, Oregon

Mar. 7, 1962

Mr. J. Edgar Hoover,  
Washington, D. C.

Dear Mr. Hoover:

Can you give me the rating of the "Civil Liberties  
Union" as to subversion?

Thanking you kindly,

Respectfully,

/s/

[Redacted Signature]

b6  
b7c

REC-19

61-190-965

9 MAR 15 1962

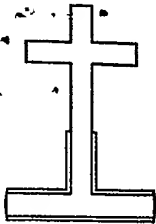
[Redacted Box]

"The gospel of Christ is the power of God unto salvation to everyone that believeth." --  
Romans 1:16

ml  
3-14-62  
EFT

2-8

1-98  
3-12-62



CALVARY CHURCH

1525 KINGS ROAD — PHONE PLAZA 3-4145

EVANGELICAL UNITED BRETHREN

CORVALLIS, OREGON

PARSONAGE ADDRESS  
2660 FILLMORE ST.  
PHONE PLAZA 3-6177

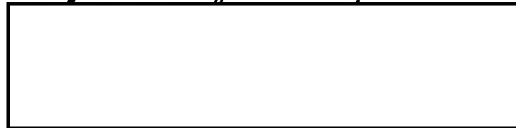
Mar. 7, 1962

Mr. J. Edgar Hoover,  
Washington, D.C.

Dear Mr. Hoover:

Can you give me the rating of the  
"Civil Liberties Union" as to subversion?

Thanking you kindly,  
Respectfully,



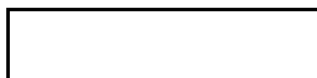
b6  
b7C

ahb  
3-14-62  
Eff: jz

1-7C  
3-12-62

nml

CORRESPONDENCE



"THE GOSPEL OF CHRIST IS THE POWER OF GOD UNTO SALVATION TO EVERYONE THAT BELIEVETH." — ROMANS 1:16

Mr. Tolson ✓  
 Mr. Belmont ✓  
 Mr. Mohr ✓  
 Mr. Callahan ✓  
 Mr. Conrad ✓  
 Mr. DeLoach ✓  
 Mr. Evans ✓  
 Mr. Malone ✓  
 Mr. Rosen ✓  
 Mr. Sullivan ✓  
 Mr. Tavel ✓  
 Mr. Trotter ✓  
 Tele. Room ✓  
 Miss Holmes ✓  
 Miss Gandy ✓

Houston 35, Texas  
 March 6, 1962

J. Edgar Hoover  
 Dept. Of Justice  
 Federal Bureau of Investigation  
 Washington, D. C.  
 Dear Mr: Hoover:

I am enclosing an article from the Houston Chronicle of March 6 that I thought might be of interest to you.

By indirect reference this is the use to which your statement of the far right has been put. I dislike that such a group as the American Civil Liberties Union should use your statements to smear such a fine group as our Houston School Board.

Respectfully,

Mrs. [Redacted]

b6  
 b7c

REC-44  
 MAR 12 1962  
 33

ENCLOSURE

REC-44 61-190-966  
 16 MAR 1962  
 20

51 MAR 15 10 03 AM '62  
 MAR 28 1962 E. B. I.  
 RECEIVED-DIVISION  
 Morell to DeLoach memo  
 JH/m 3-14-62

CORRESPONDENCE

# CHRONICLE FINAL

Service CA 4-2061 • Other Depts. CA 7-2211

TUESDAY, MARCH 6, 1962

★

44 PAGES

10 Cents

## Liberties Union Tags School Board 'Radical'

### Says Majority 'Part Of Irresponsible Right'

BY BOB TUTT

Chronicle Staff

The leader of the American Civil Liberties Union here branded the Houston school board majority Tuesday as "part of the irresponsible radical right so recently denounced by President Kennedy and J. Edgar Hoover."

Attorney James Hippard, board chairman of the Houston A.C.L.U. chapter, replied to school board charges that the A.C.L.U. is abetting Communists and teaching violent overthrow of the government.

Hippard, 403 Isalde, added: "The six-member school board majority (excluding Mrs. Charles White) reached a new low in ludicrous and irresponsible conduct by public officials when it accused perhaps the most patriotic and truly American civil organization in the United States of being closely affiliated with the Communist movement in this country."

School attorney Joe Reynolds answered in federal court Monday a suit by the Houston A.C.L.U. seeking to force the school board to grant it use of school facilities without requiring a non-subversive oath.

"Unlawful Acts" — The A.C.L.U. "could reasonably be expected to commit unlawful acts" in meetings in school buildings "such as the advocacy and teaching of concrete action for forcible overthrow of the government," the school reply said.

"The A.C.L.U. is closely affiliated with the Communist movement in the United States and fully 80 per

cent of its efforts are on behalf of Communists who have come into conflict with the law.

"The main function of the A.C.L.U. is to attempt to protect the Communists in their advocacy of force and violence to overthrow the government."

Reynolds' answer said these allegations were based on the "admitted activities of the national A.C.L.U. and legislative and administrative findings."

#### Avoid a Suit

Hippard accused the school board of hiding "behind the cloak of legal immunity from a defamation action" and "recklessly making charges they know to be totally untrue."

Reynolds, 6226 Lynbrook, asked dismissal of the A.C.L.U. suit, contending the group has not exhausted state level remedies and identifies no individuals whose constitutional rights were violated.

He said the non-Communist oath required is "substantially the same" as that demanded of employees of state-supported schools, most Texas teachers and state legislators and officials.

#### Free Speech

The A.C.L.U. suit, filed Jan. 29, charged that the loyalty oath directly violates constitutional guarantees of free speech and assembly and is "an unhealthy symptom of national mistrust and insecurity."

The school board refused last spring to allow the A.C.L.U. chapter to use school facilities without signing the oath.

March 19, 1962

61-190-

Mrs. [redacted]  
[redacted]  
Clayton 5, Missouri

b6  
b7C

Dear Mrs. [redacted]

Your letter dated March 15, 1962, has been received.

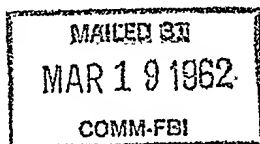
In response to your inquiry, the FBI is strictly an investigative agency of the Federal Government and, as such, does not make evaluations nor draw conclusions as to the character or integrity of any organization, publication or individual. In this regard, information in our files must be maintained as confidential pursuant to a regulation of the Department of Justice. In view of these facts, I am sure you will understand why I cannot comment on the groups you mentioned.

Enclosed is some literature which I hope you will find of interest.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director



Enclosures (4)

Shall It Be Law or Tyranny?  
Counterattack on Juvenile Delinquency  
Know Your FBI  
The Faith To Be Free

NOTE: Bufiles contain no record identifiable with correspondent. The American Civil Liberties Union and the Americans for Democratic Action are both well-known to the Bureau.

CJJ:ljt (3)

MAIL ROOM

TELETYPE UNIT

57 MAR 27 1962

XEROX  
MAR 22 1962

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

REC'D-READING ROOM  
FBI  
MAR 19 3 52 PM '62

512-361443-001



March 15, 1962

Mr. J. Edgar Hoover  
Federal Bureau of Investigation  
Washington, 3, D.C.

Dear Sir:

Will you please send, as soon as possible,  
any information you have on the Americans  
For Democratic Action and the Civil Liberties  
Union (or Committee)? American

We are having a School Board election  
on April 3, 1962 and one of the candidates  
is a member of both organizations. I would  
very much appreciate a letter from you  
stating briefly just exactly what each of  
these organizations stands for.

If there is anything questionable  
about either of these organizations we  
certainly do not want this gentleman on  
our school board. Therefore, a prompt reply  
will be appreciated.

Thank you.

Sincerely yours, ~~6 MAR 20 1962~~

Clayton, 5, Missouri

CORRESPONDENCE

61-190-  
NOT RECORDED  
191 MAR 22 1962

b6  
b7c

ORIGINAL FILED IN 100-348196-215

nmh ack 3-19-62  
J. B. L. H.

UNITED STATES GOVERNMENT

## Memorandum

TO : Mr. DeLoach *scm/gm*

DATE: 3-14-62

FROM : D. C. Morrell

SUBJECT: MRS. [REDACTED]

HOUSTON 35, TEXAS

Tolson \_\_\_\_\_  
 Belmont \_\_\_\_\_  
 Mohr \_\_\_\_\_  
 Callahan \_\_\_\_\_  
 Conrad \_\_\_\_\_  
 DeLoach \_\_\_\_\_  
 Evans \_\_\_\_\_  
 Malone \_\_\_\_\_  
 Rosen \_\_\_\_\_  
 Sullivan \_\_\_\_\_  
 Tavel \_\_\_\_\_  
 Trotter \_\_\_\_\_  
 Tele. Room \_\_\_\_\_  
 Holmes \_\_\_\_\_  
 Gandy \_\_\_\_\_

b6  
 b7C

Captioned individual wrote March 6th and sent an article from "The Houston Chronicle" indicating that Attorney James Hippard, Board Chairman of the Houston American Civil Liberties Union had branded the Houston school board majority as part of the irresponsible radical right denounced by President Kennedy and J. Edgar Hoover.

Correspondent indicates that this is an objectionable use of the Director's statements with regard to the "far right."

Bufiles indicate the Director wrote to this correspondent March 7th in response to a very similar letter from her at which time the Director explained that he had never made reference to specific persons or groups and the necessity of fighting communism within the due process of law.

Attorney James Hippard cannot be identified in Bufiles and we have had cordial relations with "The Houston Chronicle."

RECOMMENDATION:

In view of the recent letter to this correspondent on the same topic, her current letter should not be acknowledged.

JH:rc  
 (2)

REC-44

61-190-967

5 MAR 20 1962

EX-114

51  
63 MAR 28 1962

8H

*[Handwritten signature]*

UNITED STATES GOVERNMENT

# Memorandum

TO : The Director

DATE: March 8, 1962

FROM : N. P. Callahan

SUBJECT: The Congressional Record

Pages 3212-3240. The House passed H. R. 132, to amend the Communications Act of 1934 to establish a program of Federal matching grants for the construction of television facilities to be used for educational purposes. This passage was subsequently vacated and S. 205, a similar bill, was passed in lieu after being amended to contain the House language. The House insisted on its amendment and requested a conference with the Senate. Page 3214, Congressman Walter, (D) Pennsylvania, pointed out that "this bill for matching grants to States for the construction of educational television facilities clearly prohibits the Federal Government from exercising any control over educational TV programs. - - - State and local officials who inherit the task of selecting the content of educational television programs will have a very great responsibility to avoid one-sided indoctrination of a political nature which all too often commercial television networks feed their viewers under the guise of news. A blatant example of this reprehensible practice recently occurred on NBC-TV's popular 'Today' program." Mr. Walter advised that the moderator of this program read a charge by the American Civil Liberties Union (ACLU) that "Operation Abolition," the House Un-American Activities Committee's film of the 1960 San Francisco riots, contains distortions. Mr. Walter went on to state "Without any reference to reports by the House, the FBI or other sources which completely refute the ACLU's charge of 'distortion' against the film, 'Today's

moderator said: 'We—I—agree with the statement of the American Civil Liberties Union.'"

Original filed in: 66-1731-2057

66-190  
MAR 29 1962

In the original of a memorandum captioned and dated as above, the Congressional Record for March 7, 1962, was reviewed and pertinent items were marked for the Director's attention. This form has been prepared in order that portions of a copy of the original memorandum may be clipped, mounted, and placed in appropriate Bureau case or subject matter files.

REC-44

61-190-968

March 20, 1962

b6  
b7C

MAR 20 1 46 PM '62  
REC'D-READING ROOM  
F.B.I.

Mrs. [redacted]  
[redacted]  
Fort Smith, Arkansas

Dear Mrs. [redacted]

Your letter of March 14, 1962, has been received, and I can appreciate the concern prompting you to write.

While I would like to be of assistance to you, the FBI being an investigative agency of the Federal Government neither makes evaluations nor draws conclusions as to the character or integrity of any organization, individual or publication. In view of the foregoing, I am sure you will understand why it is not possible for me to comment in the manner you have suggested, and I trust you will not infer either that we do or do not have data in our files relating to the subject of your inquiry.

Enclosed is some material I hope you will find to be of interest.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

MAILED 5  
MAR 20 1962  
COMM-FBI

Enclosures (5)  
Communism and The Knowledge To Combat It!  
Let's Fight Communism  
The Courage of Free Men  
You Versus Crime  
Bulwarks of Liberty

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Malone \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

60 APR 2 1962

MAIL ROOM ☐ TELETYPE UNIT ☐

(SEE NOTE NEXT PAGE)

b6  
b7c

Mrs.

NOTE: Bufiles contain no derogatory nor additional pertinent information re correspondent. Edward J. Mowery is on the Special Correspondents' List. Bufiles show cordial relations with the "Fort Smith Times Record."

March 14, 1962

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Evans	_____
Mr. Malone	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Mr. J. Edgar Hoover  
Federal Bureau of Investigation  
Washington, D. C.

Dear Sir:-

In recent issues of our local paper, The Fort Smith-Times Record, Southwest American, there have been been running a series of articles by one Edward J. Mowery, about the House Un-American Committee. The articles point out that the American Civil Liberties Union is one of the greatest foes of the HUAC, and the author denounces the ACLU, and affirms the Lusk statement that: "The American Civil Liberties Union in the last analysis is a supporter of all subversive movements, and its propanganda is detrimental to the interest of the State."

I am a housewife, a mother of four children, and in working with various civic groups such as the P.T.A., Girl Scout Association, Voters League, I try to keep as well posted as I can. Inasmuch as the ACLU seems to stand for those principles of freedom that one would hold dear, I would like some kind of clarification of this from your office. I do not like the thought of perhaps being a misguided liberal.

I am writing this letter to your office simply because I hold you to be one of the great Americans of today.

Respectfully yours,

Fort Smith, Arkansas

100-10 3 30 61-190-968N  
REC-44 22  
E. B. I.  
18 MAR 1962  
RECEIVED-DIRECTOR

ST-104

CORRESPONDENCE

b6  
b7c

1-1  
EXP. 39 MAR 16 1962

C

Marks - mmf  
R AC R  
3-20-62  
GCF/psk

March 23, 1962

Mr. [redacted]  
[redacted]  
Bakersfield, California

b6  
b7C

Dear Mr. [redacted]

Your letter of March 21, 1962, has been received.

Although I would like to be of service, the FBI as an investigative agency of the Federal Government neither makes evaluations nor draws conclusions as to the character or integrity of any organization, publication or individual. I regret that I am unable to help you and hope you will not infer any connection either that we do or do not have data in our files relating to the subject of your inquiry.

Enclosed is some literature which I hope will be of interest.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director



Enclosures (4)  
Shall It Be Law or Tyranny?  
Let's Fight Communism Sanely!  
The Courage of Free Men  
Communist Party Line

SEE NOTE NEXT PAGE

RECEIVED-DIRECTOR

MAIL ROOM ☐ TELETYPE UNIT ☐  
MW:js\* (3)

MAR 27 4 48 PM '62  
REC'D-READING ROOM  
FBI

MAR 23 2 52 PM '62  
RMV  
FBI  
REC'D WV  
ber

[Redacted]  
Bakersfield, California  
March 21, 1962

1-5  
J. Edgar Hoover  
Federal Bureau of Investigation  
Washington, D. C.

Dear Mr. Hoover:

I am a teacher and a member of the American Civil Liberties Union., a perfectly responsible organization, I believe. However, this organization has been called subversive by a speaker at an anti-communist rally, speakers before a recent city council meeting, and various other people here in town. I believe that these people are misinformed, but if they are basing their accusations on fact, I have no intention of belonging to a subversive organization.

Would you please give me the official position of the Federal Bureau of Investigation as regards the American Civil Liberties Union? Is there any substantiation of subversiveness on the part of this organization? I would appreciate a reply as soon as possible.

b6  
b7c

Yours truly

[Redacted Signature]

am

969

Qib  
3-23-62  
RMW:ji  
mml

REC-14  
EX-114

6-190-  
=

13 MAR 26 1962

CORRESPONDENCE  
RMW

NTB SS 11.03.VN .25

FBI  
REC.D 1088 10062



Mr.

b6  
b7C

NOTE: Bufiles contain no record identifiable with correspondent. The FBI has never conducted an investigation of the American Civil Liberties Union. It is noted that the Fifth Report of the California Senate Fact-Finding Committee on Un-American Activities (1949) set forth the following: "American Civil Liberties Union: Cited as heavily infiltrated with communists and fellow travelers and frequently following the Communist Party line and defending communists, particularly in its Los Angeles unit." (California Committee on Un-American Activities Report, 1948, pages 108-12)

In connection with this, it is noted that the 34th Annual Report of the American Civil Liberties Union (for the year 1954) reaffirms the anticommunist and antifascist policy of the organizations and maintains its intention to defend civil liberties of all persons regardless of any political party, organization, denomination, race or nationality to which an individual may belong.

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 85

Page 184 ~ Duplicate  
Page 185 ~ Duplicate  
Page 186 ~ Duplicate  
Page 190 ~ Duplicate  
Page 191 ~ Duplicate  
Page 217 ~ Duplicate  
Page 218 ~ Duplicate  
Page 219 ~ Duplicate  
Page 220 ~ Duplicate  
Page 221 ~ Duplicate  
Page 222 ~ Duplicate  
Page 223 ~ Duplicate  
Page 224 ~ Duplicate  
Page 225 ~ Duplicate  
Page 226 ~ Duplicate  
Page 227 ~ Duplicate  
Page 228 ~ Duplicate  
Page 229 ~ Duplicate  
Page 230 ~ Duplicate  
Page 231 ~ Duplicate  
Page 232 ~ Duplicate  
Page 233 ~ Duplicate  
Page 234 ~ Duplicate  
Page 235 ~ Duplicate  
Page 236 ~ Duplicate  
Page 237 ~ Duplicate  
Page 238 ~ Duplicate  
Page 239 ~ Duplicate  
Page 240 ~ Duplicate  
Page 241 ~ Duplicate  
Page 242 ~ Duplicate  
Page 243 ~ Duplicate  
Page 244 ~ Duplicate  
Page 245 ~ Duplicate  
Page 246 ~ Duplicate  
Page 247 ~ Duplicate  
Page 248 ~ Duplicate  
Page 249 ~ Duplicate  
Page 250 ~ Duplicate  
Page 251 ~ Duplicate  
Page 252 ~ Duplicate  
Page 253 ~ Duplicate  
Page 254 ~ Duplicate  
Page 255 ~ Duplicate

Page 256 ~ Duplicate  
Page 257 ~ Duplicate  
Page 258 ~ Duplicate  
Page 259 ~ Duplicate  
Page 260 ~ Duplicate  
Page 261 ~ Duplicate  
Page 262 ~ Duplicate  
Page 263 ~ Duplicate  
Page 264 ~ Duplicate  
Page 265 ~ Duplicate  
Page 266 ~ Duplicate  
Page 267 ~ Duplicate  
Page 268 ~ Duplicate  
Page 269 ~ Duplicate  
Page 270 ~ Duplicate  
Page 271 ~ Duplicate  
Page 272 ~ Duplicate  
Page 273 ~ Duplicate  
Page 274 ~ Duplicate  
Page 275 ~ Duplicate  
Page 276 ~ Duplicate  
Page 277 ~ Duplicate  
Page 278 ~ Duplicate  
Page 279 ~ Duplicate  
Page 280 ~ Duplicate  
Page 281 ~ Duplicate  
Page 282 ~ Duplicate  
Page 283 ~ Duplicate  
Page 284 ~ Duplicate  
Page 285 ~ Duplicate  
Page 286 ~ Duplicate  
Page 287 ~ Duplicate  
Page 288 ~ Duplicate  
Page 289 ~ Duplicate  
Page 290 ~ Duplicate  
Page 291 ~ Duplicate  
Page 292 ~ Duplicate  
Page 293 ~ Duplicate  
Page 296 ~ Duplicate  
Page 297 ~ Duplicate  
Page 298 ~ Duplicate